

Monitoring Report on Victims' Rights in Albanian Courts

December 2024

This monitoring report was realized by the Albanian Women Empowerment Network (AWEN), in the framework of the programme ""Empowering Women, Defending Rights: Path to Gender Equality in Albania", with the financial support of the Swedish Government.

"This publication is fully funded by the International Development Cooperation Agency (Sida). Sida does not necessarily share the opinions expressed herein."

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Publication reference: Agolli R, Shima Ngjeci E., Monitoring Report on Victims' Rights in Albanian Penal Courts, AWEN, 2024

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Executive summary

Victims' rights are essential to a fair and equitable criminal justice system, ensuring that those affected by crime are protected, informed, and actively involved in legal proceedings. Historically, Albania's criminal justice system, like many others, was primarily offender-focused, with limited recognition of victims' needs and their role in proceedings. Over time, significant legal and policy reforms have been introduced, aiming to shift the focus toward a more victim-centered approach, aligning with international human rights and justice standards.

This report evaluates how victims' rights are upheld in criminal court decisions across Albania. It specifically assesses:

- whether victims have access to justice, information, and legal representation.
- the extent to which victims are protected from secondary victimization and intimidation.
- how courts interpret and enforce key rights such as victim participation, compensation, and protective measures.

The study also examines the alignment of judicial practices with Albania's national laws and its obligations under international conventions.

This monitoring study utilized a systematic and evidence-based approach, combining qualitative and quantitative analysis to assess the judicial treatment of victims of crime in Albania's courts. The analysis covered 127 court decisions from first-instance courts with general jurisdiction in Albania, including Tirana, Durres, Elbasan, Fier, Lezha, Shkodra, Kukes, Diber Vlore, Gjirokaster, and Korça. These jurisdictions were selected to ensure geographic diversity, covering major and smaller urban centers. The cases involved crimes where victims' rights are most relevant, including sexual violence and harassment, human trafficking, exploitation of prostitution, stalking and threats, and crimes against minors.

The primary source of data consisted of official court rulings, obtained through formal requests and publicly available records. The study compared court decisions against Albania's legal framework and international standards on victims' rights. Legal professionals have also provided insights into systemic issues affecting victims' access to justice.

Key findings

The monitoring of judicial processes in Albania highlights challenges and inconsistencies in ensuring victims' rights to protection, participation, and support within the justice system. While legal frameworks exist to safeguard these rights, their implementation varies, creating barriers to accessing justice, engaging in legal proceedings, and receiving necessary protections and support. The key findings include:

- *Barriers to accessing justice:* Victims may encounter difficulties in reporting crimes due to concerns about safety, social stigma, or fear of repercussions. In some instances, victims are not present during trials, with their exclusion being treated as a procedural step rather than an approach that balances protection with participation. Access to legal aid remains limited, leaving some victims without the necessary guidance to navigate the judicial system.
- *Challenges in victim participation in criminal proceedings:* In some cases, victims have a limited role in court proceedings and may not be actively engaged in the process. The absence of tailored protocols, particularly

for vulnerable groups such as victims of sexual violence, can make it more difficult for them to participate safely. The availability of accommodations, such as private hearings or remote testimony, is inconsistent, posing additional challenges for victims with safety concerns.

- *Need for clear and timely information for victims:* While victims receive information about their rights, ensuring they fully understand and can exercise them effectively remains a challenge. Communication about case progress is not always consistent, which can leave victims uncertain about procedural developments and judicial outcomes.
- *Ensuring adequate protection measures:* Protective measures, such as separate waiting areas, remote testimony options, and no-contact provisions, are not always applied systematically. Some victims, particularly those in cases of domestic violence, sexual violence, and cybercrimes, may require stronger safeguards, but specialized protections are not always enforced consistently. A structured approach to assessing individual protection needs, particularly for high-risk groups such as trafficking survivors, remains an area for further attention.
- *Addressing risks of secondary victimization:* Some judicial practices, including courtroom questioning and procedural requirements, may contribute to additional distress for victims. The length of proceedings and delays in case resolution can also prolong victims' involvement in the legal process, increasing emotional strain and uncertainty.
- *Strengthening privacy protections:* Confidentiality measures for victims, particularly in sensitive cases such as sexual violence, stalking, and cybercrimes, are not always consistently applied. Limited safeguards, such as private hearings or restricted public access to sensitive case files, may increase the risk of exposure, social stigma, or retaliation, particularly for minors and survivors of gender-based violence.
- *Expanding assistance and support services:* While legal, psychological, and financial support are critical for victims' well-being, structured programs that provide these services remain limited. This can leave some victims without access to counseling, legal aid, or financial assistance. In certain cases, victims take precautionary measures—such as changing phone numbers or relocating—for their safety, but mechanisms for covering these expenses are not always in place.
- *Access to rehabilitation services:* Long-term support, including mental health services, vocational training, and reintegration programs, is not systematically available for all victims. While the justice system focuses on holding offenders accountable, additional attention to victims' recovery needs—especially for minors and survivors of severe violence—could enhance their ability to rebuild their lives.
- *Barriers to compensation and restitution:* Some victims are not fully aware of their right to seek compensation, and compensation claims are not always incorporated into criminal trials. Instead, victims may need to pursue separate civil lawsuits, which can be a complex and resource-intensive process. Additionally, the lack of recorded victim-related expenses during legal proceedings may make it more difficult to assess and award restitution.

Recommendations

To strengthen victims' rights in Albania's justice system, a more victim-centered approach is needed. The following key recommendations focus on improving access to justice, enhancing victim participation, ensuring protection, and expanding support services:

- *Enhance access to justice:* Simplify reporting mechanisms to make it easier for victims to come forward; Expand free legal aid to ensure all victims have access to legal representation; Strengthen efforts to inform victims of their rights and ensure they can exercise them effectively.
- *Strengthen victim participation in legal proceedings:* Ensure victims are actively engaged in judicial processes and have opportunities to provide testimony; Develop trauma-informed protocols to facilitate the participation of vulnerable victims, such as survivors of sexual violence; Introduce special accommodations, such as remote testimony and private hearings, to protect victims and reduce distress.
- *Improve information and communication with victims:* Provide clear, accessible, and timely information on case progress, trial dates, and procedural updates; Ensure judicial actors actively communicate with victims using simplified, jargon-free language; Develop a centralized digital platform where victims can track case progress and receive updates.
- *Ensure consistent protection measures:* Establish standardized protocols for victim protection, including separate waiting areas and no-contact provisions in court; Strengthen protective measures for high-risk victims, such as survivors of trafficking and gender-based violence; Ensure judicial and law enforcement agencies consistently enforce protection orders and monitor compliance.
- *Prevent secondary victimization:* Train police officers, prosecutors, and judges on trauma-sensitive approaches to reduce emotional distress for victims; Simplify judicial procedures to minimize unnecessary appearances and prevent victims from being re-traumatized. Address delays in case resolution to reduce the prolonged stress and uncertainty victims experience.
- *Strengthen privacy protections:* Ensure confidentiality in sensitive cases, including sexual violence, stalking, and cybercrimes; Implement private hearings and restrict public access to victims' personal details in legal proceedings; Establish clear guidelines for media reporting on cases involving vulnerable victims.
- *Expand assistance and support services:* Develop comprehensive victim support programs, including legal aid, counseling, and financial assistance; Ensure victims receive immediate support after reporting a crime, including access to crisis intervention services; Raise awareness about available victim assistance services to increase accessibility and uptake.
- *Prioritize rehabilitation and long-term support:* Develop structured rehabilitation programs that provide counseling, vocational training, and reintegration support; Focus on specialized services for vulnerable groups, such as minors and survivors of severe violence; Strengthen collaboration between government agencies, civil society, and victim support organizations.
- *Ensure access to compensation and restitution:* Integrate compensation claims into criminal trials rather than requiring victims to file separate civil lawsuits; Establish state-administered victim compensation funds for cases where perpetrators cannot pay restitution; Ensure courts systematically record victim expenses to support fair compensation awards.
- *Align national laws with international standards:* Ensure full implementation of the EU Victims' Rights Directive and other international human rights frameworks; Strengthen collaboration with civil society and international organizations to improve victim-centered policies; Monitor and evaluate progress on judicial reforms and victim protection measures.

Introduction

Background: Importance of victims' rights in the criminal judicial process.

The criminal justice process serves two essential purposes: holding offenders accountable and addressing the harm caused to victims. Historically, the system focused predominantly on the accused, offering minimal recognition to the experiences and needs of those affected by crime. This traditional offender-centric approach left victims with little recourse and often re-traumatized them through their interactions with the justice system. Over time, the acknowledgment of victims' rights has emerged as a fundamental component of justice, emphasizing the importance of balancing the scales to include those directly impacted by criminal acts.

The recognition and protection of victims' rights are fundamental to ensuring a criminal justice process that is both humane and effective. By addressing the needs of victims, the system shifts from being merely punitive to being restorative, creating a more balanced and inclusive approach to justice. Victims are not only key stakeholders in the process but also essential to achieving its broader goals of accountability, fairness, and the promotion of public trust.

Victims' rights play an essential role in ensuring justice is fair and equitable. They elevate the voices of those most affected by crime, allowing them to be heard and acknowledged within the justice process. By addressing the needs of victims and recognizing the harm they have endured, the justice system becomes more responsive and inclusive. These rights also foster trust in the justice system. When victims are informed, supported, and protected, they are more likely to engage meaningfully with the process, which strengthens public confidence in the system's ability to deliver justice.

Empowering victims through the justice process is crucial not only for their recovery but also for restoring their sense of agency. Victims' rights address this need by providing opportunities for participation and redress, ensuring that justice extends beyond retribution to offer healing and restoration. This is particularly significant in balancing the rights of victims and the accused, as it ensures that justice considers all parties' needs equitably. Moreover, a justice system that prioritizes victims' rights contributes to crime prevention, as victims who trust the system are more likely to report crimes and cooperate with law enforcement.

Victims' rights encompass a range of legal entitlements and protections designed to ensure dignity, respect, and fairness for individuals who have suffered harm as a result of criminal activities. These rights provide victims with access to information about their cases, the opportunity to participate meaningfully in legal proceedings, and avenues to seek restitution or compensation. In addition to addressing the material harm caused by crime, victims' rights safeguard them from further harm, offering protection from intimidation, harassment, or retaliation. They also include access to support mechanisms, such as legal aid and counseling services, to assist victims in navigating the complexities of the justice system while recovering from trauma.

Globally, the importance of victims' rights is widely recognized, with many countries integrating them into their legal frameworks. In Albania, efforts have been made to align domestic laws with international standards, such as the European Union Victims' Rights Directive. While progress has been achieved, challenges remain, including inconsistent implementation, limited access to legal aid, and procedural delays that erode victims' trust in the justice system.

Objective of the report

The primary objective of this report is to evaluate the extent to which victims' rights are recognized, respected, and upheld in criminal court decisions across Albania. In criminal proceedings, victims play a critical role as parties

directly affected by criminal acts. Their rights encompass a wide range of entitlements, including the right to be informed, the right to participate, the right to protection, and the right to seek reparations. However, the practical realization of these rights within the judicial process often varies, influenced by factors such as the consistency of legal interpretation, procedural efficiency, and the availability of institutional support mechanisms.

This report is grounded in a systematic monitoring of court decisions issued by first-instance courts with general jurisdiction in Albania. The analysis focuses on assessing how judicial practices align with both national legislation and international standards regarding victims' rights. By examining selected court rulings, the report seeks to uncover patterns and trends in how victims are treated during criminal proceedings, shedding light on the strengths and weaknesses of the current system.

A critical aspect of this monitoring report is identifying whether courts are adequately considering victims' rights in their rulings and whether these rights are effectively integrated into judicial decision-making. This includes assessing the extent to which victims are informed of their rights, their ability to participate in court proceedings, the fairness of protection measures implemented during trials, and the adequacy of reparations or compensations ordered by the courts. Moreover, the report examines procedural fairness and timeliness, as delays and inefficiencies can undermine victims' trust and access to justice.

The ultimate aim of this analysis is not only to document existing practices but also to provide actionable insights that can inform judicial reforms and policy interventions. By highlighting areas for improvement, the report intends to strengthen the protection of victims within the justice system and enhance their meaningful participation in legal proceedings. It also seeks to promote a more victim-centered approach in criminal proceedings, ensuring that the justice system fully respects the dignity, rights, and needs of those who have suffered harm.

Additionally, this report aspires to contribute to broader discussions about the alignment of Albania's judicial practices with international standards on victims' rights, such as those outlined in the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the European Union Victims' Rights Directive. In doing so, it aims to support efforts to build a more transparent, inclusive, and equitable criminal justice system that prioritizes the rights and well-being of victims.

Scope of the report

The scope of this report encompasses an analysis of court decisions issued by the first-instance courts with general jurisdiction in Albania, focusing on how victims' rights are considered in criminal proceedings. The monitoring covers court decisions made during the period from January 2018 to June 2024, providing a comprehensive view of judicial practices over six and a half years. This timeline allows for an evaluation of trends and patterns in the treatment of victims' rights within the Albanian criminal justice system.

The monitoring was conducted in courts across several jurisdictions, including Tirana, Durrës, Elbasan, Fier, Lezha, Shkodra, Kukes, Diber, Vlore, Gjirokaster, and Korça. These courts were selected to ensure geographic representation and to capture diverse judicial practices across major and smaller urban centers.

To initiate the study, AWEN submitted formal requests to the identified first-instance courts with general jurisdiction, seeking permission to access and analyze their decisions. While responses were expected within a short timeframe, the process encountered delays. Two courts responded positively within two weeks, approving the requests and facilitating access to their decisions. However, the remaining courts faced challenges in providing the requested information, citing reasons such as high workloads and insufficient staff. Despite these challenges, the final responses were received by October 30, 2024, allowing the analysis to proceed.

The study ultimately included the monitoring of 127 court decisions, addressing a range of criminal offenses where victims' rights are particularly relevant. These offenses include:

- Sexual or homosexual relations with minors.
- Sexual or homosexual relations with violence against minors aged 14-18.
- Sexual relations with violence against adults.
- Indecent acts.
- Sexual harassment.
- Illegal deprivation of liberty.
- Exploitation of prostitution.
- Pornography.
- Unjustified interference in private life.
- Stalking.
- Mistreatment of minors.

The breadth of monitored offenses highlights the diverse contexts in which victims' rights come into play and underscores the importance of analyzing how courts uphold these rights across different types of crimes.

This study's scope reflects the commitment to a thorough and representative examination of judicial practices concerning victims' rights in Albania. The findings provide insights into how these rights are addressed within criminal proceedings and identify both best practices and areas in need of improvement to ensure a more victim-centered approach in the justice system.

Legal and institutional framework

Overview of victims' rights based on the international and national legal provisions

Victims' rights in criminal court proceedings are grounded in a framework of international and national legal provisions designed to uphold justice, dignity, and fairness for individuals who have suffered harm due to criminal acts. These rights aim to ensure that victims are not merely passive participants in the judicial process but are actively supported, informed, and protected throughout.

The rights of crime victims in criminal court proceedings in international law include, as following:

Non-criminalization (Non-punishment) - The right to non-criminalization is a fundamental principle within the framework of victim protection in criminal justice systems. It ensures that victims are not subjected to criminal liability for acts committed as a direct result of coercion, exploitation, or manipulation during their victimization. This principle acknowledges the complex realities faced by victims, such as those of trafficking, gender-based violence, or exploitation, and aims to prevent re-victimization by the justice system. For example, in Albania, trafficking victims have historically faced prosecution for acts like prostitution due to misidentification by authorities, underscoring the importance of this right.

States are obligated to adopt measures to protect victims from being penalized for actions that arose directly from their victimization. This includes acts such as prostitution or immigration violations, particularly in cases where the victims were coerced or forced to act under the influence of their exploiters. Such measures are essential to creating a justice system that supports rather than harms victims. The international standards on this right include:

- ✓ *UN Palermo Protocol (2000)*: This protocol emphasizes the non-punishment of trafficking victims for offenses they were compelled to commit. It requires states to adopt measures that protect victims from prosecution, recognizing the coercion inherent in trafficking situations.
- ✓ *Council of Europe Convention on Action against Trafficking in Human Beings (2005)*: Article 26 explicitly mandates that states take steps to ensure that victims of trafficking are not punished for unlawful acts they were forced to commit as a direct result of their exploitation.
- ✓ *Istanbul Convention (2011)*: Article 60 and Article 61 provide robust protections for victims of gender-based violence, particularly emphasizing the need to shield victims from penalties related to immigration offenses. These provisions acknowledge the vulnerabilities of victims, especially those in precarious legal or social situations.
- ✓ *EU Victims' Rights Directive (2012/29/EU)*: While the directive does not explicitly reference non-criminalization, it establishes the obligation of states to treat victims with dignity, fairness, and respect. This includes avoiding actions that may harm victims or exacerbate their victimization.

The right to information and the right to be heard: The right to information and the right to be heard are fundamental principles in ensuring justice and fair treatment for victims of trafficking in human beings. These rights empower victims by providing them with the knowledge needed to navigate the criminal justice system and a platform to express their concerns, thereby fostering a more victim-centered approach.

The *right to information* is a foundational component of victim-centered justice. It ensures that victims are not only aware of their rights but are also equipped with the knowledge necessary to navigate the criminal justice system effectively. This right addresses the power imbalances that often exist between victims and offenders, as well as between victims and the institutions meant to protect them. Information empowers victims by giving them the tools to engage meaningfully in the justice process and access the support they need.

The scope and importance of the right to information are broad and multifaceted. It ensures that victims are fully informed about their legal rights, including access to justice, legal aid, protection measures, and compensation. This foundational knowledge empowers victims to engage effectively with the justice system and exercise their rights without hesitation. Additionally, the right to information extends to understanding the procedural aspects of criminal proceedings. Victims should be made aware of how to report a crime, follow the progress of investigations, and stay informed about trial dates and their specific roles within the process. This procedural clarity helps reduce the uncertainty and confusion that victims often face when interacting with the legal system. Equally important is the provision of information about available support services. Victims must be made aware of resources such as psychological counseling, legal assistance, and victim advocacy organizations. These services address both the emotional and practical challenges victims encounter, ensuring they receive the support necessary to recover and rebuild their lives while participating in the justice process.

The right to information is enshrined in several key international and regional legal frameworks, emphasizing the importance of keeping victims informed about their rights, the criminal justice process, and available support mechanisms:

- *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)*: These principles affirm the right of victims to receive information about criminal proceedings, their progress, and outcomes, ensuring they are treated with dignity and respect.
- *United Nations Trafficking Protocol (Palermo Protocol, 2000)*: This protocol highlights the need for states to provide victims with information about their rights and legal processes, facilitating their participation and access to justice.
- *EU Framework Decision on the Standing of Victims in Criminal Proceedings (2001)*: Article 4 specifically requires victims to be informed about available support services, the procedures for reporting a crime, their rights to legal assistance and compensation, and updates on court proceedings.
- *Council of Europe Convention on Action against Trafficking in Human Beings (2005)*: This convention underscores the obligation of states to inform victims about their rights, services available, and legal options, including compensation and assistance.
- *Council of Europe Recommendation (2006) 8*: This recommendation expands on the need for comprehensive information, including details about legal procedures, the role of victims, protection measures, and compensation options.
- *Council of Europe Recommendation (85) 11*: It stresses the role of police and judicial authorities in informing victims about their rights and the availability of legal and practical support.

The *right to be heard* recognizes victims as active participants in the criminal justice process rather than passive observers. This right allows victims to contribute their perspectives, express their concerns, and share the impact of the crime on their lives. It reinforces their dignity and affirms their role as key stakeholders in achieving justice.

The right to be heard is an integral aspect of victim participation in criminal proceedings, manifesting across various stages of the justice process. During the reporting and investigation phase, victims have the opportunity to articulate the circumstances of the crime, ensuring that their experiences and perspectives inform the direction and depth of the investigation. This initial stage sets the foundation for a victim-centered approach to justice.

In trial proceedings, the right to be heard allows victims to provide testimony and participate in hearings, often through victim impact statements. These statements serve as a powerful means of conveying the emotional, physical, and financial consequences of the crime, ensuring that the court fully understands the broader impact on the victim's life.

At the sentencing and post-trial stages, victims can further exercise this right by expressing their views on sentencing decisions, parole hearings, and restitution arrangements. This ensures that their needs and perspectives are considered in decisions that have a lasting impact on their path to recovery and justice. Through these stages, the right to be heard affirms the dignity of victims and ensures that their voices are central to the criminal justice process.

The right to be heard complements the right to information by providing victims with opportunities to actively participate in the criminal justice process:

- *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power*: These principles explicitly recognize the importance of allowing victims to express their views and concerns at every stage of the criminal proceedings.
- *Council of Europe Convention on Action against Trafficking in Human Beings (2005)*: This convention mandates that victims' voices be considered in decisions affecting their cases, such as plea bargains and sentencing.

- *EU Victims' Rights Directive (2012/29/EU)*: This directive enhances victims' participatory rights, including the submission of victim impact statements, ensuring their experiences and perspectives inform judicial decisions.

For victims of crime, ensuring access to information and the ability to be heard are not just legal obligations but essential steps in addressing the systemic barriers they face. By prioritizing these rights, the justice system can better protect victims, uphold their dignity, and facilitate their recovery and reintegration into society.

The right to participation in the criminal proceedings process for victims of crime. The right to participation in criminal proceedings is a fundamental aspect of victim-centered justice, ensuring that victims are actively involved in processes that directly affect their lives, rather than being relegated to the periphery. This right affirms that victims are not merely witnesses to a crime but individuals with a legitimate stake in the justice system's outcomes. It reflects the evolving understanding of justice, which seeks not only to punish offenders but also to restore dignity and provide healing to those harmed.

Participation encompasses various forms of engagement, depending on the legal framework and the stage of the proceedings. At its core, it involves victims being informed about the proceedings, consulted about decisions that impact them, and given opportunities to share their experiences and concerns. This right also includes the ability to provide testimony, submit victim impact statements, and, in some jurisdictions, have a direct say in matters like sentencing and restitution.

International legal instruments provide a strong foundation for the right to participation. The United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power emphasize that victims should have the opportunity to present their views and concerns at appropriate stages of the criminal justice process. This ensures their perspectives are considered in decisions that directly affect their lives, such as plea bargains, sentencing, or parole hearings. Importantly, these principles call for such participation to occur in a manner that respects the rights of the accused, ensuring a balance between fairness and inclusivity. The right to participation is supported by several international instruments, which emphasize victims' roles as integral stakeholders in the pursuit of justice:

- *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)*: The principles affirm that victims should be allowed to present their views and concerns at appropriate stages of the criminal justice process. This participation should occur without prejudice to the rights of the defense and in a manner consistent with the legal framework of the jurisdiction.
- *European Convention on Action against Trafficking in Human Beings (2005)*: The Convention requires that victims of trafficking be enabled to participate in criminal proceedings, particularly as witnesses, and that their interests are considered throughout the process.
- *EU Victims' Rights Directive (2012/29/EU)*: Article 10 guarantees victims the right to participate actively in criminal proceedings, particularly by providing testimony and being informed of the proceedings' progress. It also ensures that victims can present their views and concerns, which courts or authorities must consider when making decisions.
- *Rome Statute of the International Criminal Court (1998)*: Articles 68 and 75 outline victims' rights to participate in proceedings and seek reparations, ensuring their voices are heard during trials.
- *Council of Europe Recommendation (2006) 8*: Recommends that victims be allowed to actively participate in proceedings, including by expressing their concerns and expectations, providing testimony, and influencing the judicial outcomes where appropriate.

Right to assistance and support. The right to assistance and support is firmly established in international legal instruments, which underscore the obligation of states to provide victims of crime with access to services addressing their physical, psychological, and social needs. This right is essential for restoring victims' dignity, alleviating the harm caused by crime, and facilitating recovery. Recognizing the unique challenges faced by particularly vulnerable groups, such as women, children, and victims of trafficking, international standards emphasize the need for tailored and effective support mechanisms. States bear the primary responsibility for ensuring the availability and accessibility of these services, whether delivered directly or through collaborations with community-based organizations, non-governmental entities, or other partners. A crucial aspect of this obligation is informing victims about their rights and the availability of services, ensuring non-discriminatory access for all.

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985) establishes assistance and support as foundational elements of justice for victims. Article 14 highlights the need for victims to have access to material, medical, psychological, and social assistance, facilitated through governmental and community-based services. Article 15 further requires states to disseminate information about the availability of such services to ensure victims can access them effectively.

The *EU Directive 2012/29/EU* on the rights, support, and protection of victims of crime provides specific obligations for Member States. Article 8 mandates that victim support services be free of charge, confidential, and accessible before, during, and after criminal proceedings. These services include practical assistance, trauma counseling, and specialist support for vulnerable groups such as victims of gender-based violence. Article 9 further specifies that these services should include targeted information, emotional and psychological assistance, and guidance on exercising legal rights.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)* reinforces the obligation to provide tailored support services for women and children affected by violence. Article 20 obligates states to ensure access to services that facilitate recovery, such as legal counseling, financial assistance, housing, and vocational training. Article 22 requires the establishment of specialist support services, including shelters and counseling tailored to the specific needs of women and children.

The *United Nations Convention on the Rights of the Child* (1989) addresses the needs of children as victims of crime. Article 39 mandates that states implement measures for the physical and psychological recovery and reintegration of child victims, ensuring that services are provided in environments that promote dignity and self-respect.

State obligations and key principles derived from these international standards highlight that all victims, regardless of their participation in criminal proceedings, must have access to assistance and support services. These services should be timely and adequate, addressing both immediate and long-term needs, such as psychological counseling, housing, and practical assistance. Specialized support must be provided to vulnerable groups, including victims of trafficking, children, and victims of sexual violence. Additionally, states must ensure that these services are available to all victims of crimes committed on their territory, regardless of their nationality or immigration status.

Soft law instruments also reinforce the right to assistance and support, including the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and the *Council of Europe Recommendation (2006)*. These instruments recommend that states:

- Guarantee access to assistance for all victims of crimes committed on their territory, regardless of nationality.

- Provide specialized support for victims of serious, intentional crimes, particularly for survivors of gender-based violence and the dependents of victims who have died because of such crimes.

Rights to restitution and compensation. International legal instruments recognize the right to compensation for victims as a dual mechanism: compensation enforceable through payment of damages by perpetrators of criminal acts and state-administered compensation schemes. These instruments also endorse the principle that profits derived by traffickers from their exploitation of victims should be redirected to compensate those victims, whether individually or collectively. Emphasis is placed on the rights and interests of vulnerable groups, such as women and children, underscoring their specific needs for protection and support.

Compensation may be fulfilled either by the perpetrator or, when this is not feasible, by the state. While the responsibility primarily lies with the perpetrator, practical barriers such as noncompliance, disappearance, or lack of financial resources often render this unachievable. In such cases, states are obligated to ensure that victims receive compensation, reflecting their duty to uphold justice and support those harmed by crime.

The foundation for these obligations was laid in 1977, when the Committee of Ministers adopted *Resolution (77) 27 on the Compensation of Victims of Crime*, which recommended the provision of compensation to victims and their dependents. This resolution served as the basis for the adoption of the European Convention on Compensation of Victims of Violent Crimes (Strasbourg, 1983). As the first comprehensive and legally binding European instrument in this area, the Convention establishes minimum standards of practice. However, its scope is limited to specific circumstances, and it does not provide a clear definition of "victim."

The *European Convention on Compensation of Victims of Violent Crimes*, which has been open for signature since 1983 and in force since 1988, stipulates that victims should be compensated by the community for damages suffered. Article 2 obligates states to compensate victims who have suffered serious bodily injury or health damage as a direct result of violent crime, as well as the dependents of individuals who have died due to such crimes. This obligation arises when no other sources of compensation, such as insurance or perpetrator payments, are available. The Convention specifies minimum categories of compensation, including lost earnings, medical expenses, hospitalization costs, funeral expenses, and maintenance for dependents of deceased victims. Moreover, states are required to ensure that victims are informed about available compensation schemes and how to access them.

The *EU Council Directive on Compensation to Crime Victims* (adopted April 29, 2004) further strengthens these rights. The Directive obligates Member States to harmonize their legislation to establish systems of cooperation that facilitate victims' access to compensation, particularly in cross-border situations. Compensation is provided by the competent authority of the Member State where the crime occurred, ensuring victims are not disadvantaged by jurisdictional complexities.

In addition to binding legal instruments, the right to compensation is supported by influential "soft law" agreements. The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985) and the *Council of Europe Recommendation (2006) 8* encourage states to provide compensation for victims of serious, intentional, and violent crimes, including sexual violence, and for the families and dependents of victims who have died due to such crimes. These instruments emphasize that compensation should be accessible to all victims of crimes committed within a state's territory, irrespective of their nationality.

Through these frameworks, international and regional instruments collectively affirm the critical importance of restitution and compensation in ensuring justice for victims. By addressing the financial and emotional burdens

imposed by crime, these rights not only restore victims' dignity but also contribute to their recovery and reintegration into society.

Right to a fair judicial process: The right to a fair judicial process is a fundamental principle of justice that ensures victims of crime are treated with dignity, respect, and sensitivity throughout criminal proceedings. This right, recognized in international legal frameworks, national laws, and political agreements, guarantees equitable access to justice for victims while preventing further harm or re-victimization during their interactions with the judicial system. Grounded in international human rights principles, the right to a fair judicial process not only addresses victims' needs but also strengthens the legitimacy and accountability of the justice system.

Several international instruments provide the foundation for this right. *The United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* advocate for victims' access to justice and fair treatment. These principles emphasize that victims should be treated with compassion, informed of their rights, and given opportunities to present their views and concerns at appropriate stages of the proceedings, provided this does not prejudice the rights of the accused. The *European Convention on Human Rights (1950)*, particularly Article 6, establishes the right to a fair trial. While primarily designed to protect the accused, this provision indirectly benefits victims by ensuring that justice is administered transparently and effectively, reinforcing the credibility of judicial processes for all parties involved.

The *EU Victims' Rights Directive (2012/29/EU)* expands on these principles by mandating that victims be treated respectfully and professionally by all actors in the justice system. The Directive ensures victims' access to support services, legal aid, and effective participation in proceedings, creating a more inclusive judicial process. Similarly, the *Istanbul Convention (2011)* emphasizes gender-sensitive approaches to justice, ensuring that victims of gender-based violence have access to fair, trauma-informed judicial processes. The *Rome Statute of the International Criminal Court (1998)* further enhances victims' rights by allowing them to participate directly in proceedings and seek reparations, ensuring that their interests are considered alongside those of the prosecution and defense.

A fair judicial process for victims encompasses several interrelated aspects. Equal and unhindered access to justice is paramount, enabling victims to report crimes, seek redress, and actively participate in legal proceedings. Victims must be treated with dignity, sensitivity, and respect by law enforcement, judicial authorities, and other actors throughout the process, reflecting a victim-centered approach. Their rights, including confidentiality and protection from intimidation or retaliation, must be safeguarded during all stages of the proceedings to ensure their safety and well-being. Judicial procedures should also be designed to minimize the risk of secondary victimization, avoiding inappropriate questioning, undue delays, or any actions that might exacerbate victims' trauma.

Transparency and accountability are integral to a fair judicial process. Victims have the right to be informed about the progress and outcomes of their cases, ensuring that they remain engaged and that the justice system is held accountable for its decisions. By meeting these standards, the justice system not only upholds the rights of victims but also reinforces public confidence in its ability to deliver fair and equitable outcomes.

The right to a fair judicial process for victims is essential to achieving justice and fostering a more inclusive legal system. International instruments provide robust frameworks to safeguard this right, ensuring that victims are treated with the respect and dignity they deserve while actively participating in the pursuit of justice.

The right to privacy. The right to privacy for victims of crime is a fundamental protection established by international instruments to safeguard their dignity, personal integrity, and security. This right ensures that victims are shielded from unnecessary exposure or harm resulting from their victimization. Upholding privacy is particularly critical

during and after criminal proceedings, with international standards emphasizing the need to pay special attention to vulnerable groups such as children, victims of sexual violence, and victims of trafficking. The right to privacy obligates states and relevant institutions to prevent the disclosure of sensitive information about victims, ensuring that any shared information is done so with their informed consent. This protection applies at all stages of the justice process, including investigation, trial, and post-conviction.

International legal frameworks provide robust support for the right to privacy. The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)*, in Article 6(c), highlights the importance of protecting victims' privacy and prioritizing their safety and well-being throughout criminal proceedings. This provision underscores the necessity of preventing secondary victimization and unwarranted intrusion into victims' lives.

The *EU Directive 2012/29/EU*, which establishes minimum standards on the rights, support, and protection of victims, further reinforces privacy protections. Article 21 mandates that personal details of victims are not disclosed publicly without their consent, particularly in cases involving vulnerable victims such as survivors of sexual violence. Article 23 calls for measures to prevent secondary and repeat victimization, including the use of in-camera proceedings (closed sessions) and restrictions on public access to sensitive information.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)*, in Article 56, requires states to implement measures to protect victims' privacy and image during legal proceedings, especially in cases of violence against women. This includes restricting media coverage and public access to information that could identify victims. Similarly, the *Convention on the Rights of the Child (1989)*, in Article 16, affirms the right of children to be protected from arbitrary or unlawful interference with their privacy, family, or correspondence. This provision ensures confidentiality and protection for children who are victims of crime throughout the justice process.

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)*, in Article 6(1), emphasizes the importance of safeguarding the privacy and identity of trafficking victims. It advocates for making victims' participation in legal proceedings confidential or anonymous, where necessary, to protect them from further harm.

Key components of privacy protections include the confidentiality of victims' personal information, such as their identity, address, and the circumstances of the crime. This information must be disclosed only with the victim's consent or when required by law. Media restrictions are another critical aspect, as states must ensure that media coverage does not reveal victims' identities, especially in cases involving minors or sensitive crimes such as sexual violence. Courts should conduct in-camera proceedings for sensitive cases to protect victims from public exposure and secondary victimization. When victims participate in legal processes, their privacy should be respected, and measures should be taken to minimize the risk of intimidation or harm.

State obligations to uphold the right to privacy include implementing robust legal safeguards to protect victims and providing mechanisms for redress in cases of breaches. Law enforcement and judicial personnel must receive specialized training to handle cases sensitively, respecting victims' privacy at every stage of the process. Particular attention should be given to vulnerable groups, such as children, victims of trafficking, and survivors of sexual violence, who face a greater risk of harm if their privacy is violated.

Soft law instruments further reinforce the importance of privacy protections. The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* and the *Council of Europe Recommendation (2006)* 8

encourage states to establish mechanisms to ensure that victims' privacy is respected during investigations and trials.

The right to privacy is an essential component of a victim-centered justice system. By safeguarding the dignity and security of victims, these protections foster trust in the justice process and ensure that victims are supported, respected, and shielded from further harm.

The right to protection is a cornerstone of victim-centered justice, ensuring that victims are shielded from harm, intimidation, and further trauma throughout the criminal justice process. This right obligates states and institutions to adopt measures that prioritize the safety and well-being of victims, particularly when they face risks from offenders, their associates, or societal stigma. The right to protection extends across all stages of the justice process, from the investigation to post-conviction, and is especially critical for vulnerable groups such as children, victims of trafficking, and survivors of gender-based violence.

The *EU Victims' Rights Directive (2012/29/EU)* provides robust protections for victims. Article 18 mandates that states take necessary measures to ensure the safety of victims and their families from intimidation or retaliation. This includes conducting individualized assessments to identify specific protection needs, particularly for victims who are at greater risk due to the nature of the crime or their relationship with the offender. Article 22 further emphasizes the obligation to assess victims' protection needs individually and implement appropriate safeguards.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)* reinforces these principles. Article 56 requires states to take measures to protect victims' rights during legal proceedings, ensuring their safety and dignity are upheld. It also calls for creating safe spaces, protecting victims from exposure to their offenders, and offering immediate safety measures such as restraining or protection orders.

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* underlines the importance of protecting victims from harassment, intimidation, and harm. It highlights the need for physical safety, confidentiality, and procedural safeguards to ensure victims can engage with the justice system without fear of reprisal.

The *Convention on the Rights of the Child (1989)*, in Articles 19 and 39, emphasizes the protection of children from violence, exploitation, and harm. These provisions obligate states to ensure the safety of child victims throughout the justice process, including measures to shield them from their perpetrators.

Protection measures encompass several interrelated aspects. First, victims' physical safety must be ensured, often through measures such as police protection, secure housing, or the issuance of restraining orders. Second, confidentiality plays a crucial role in protection; personal information such as the victim's identity and location should not be disclosed unless absolutely necessary and with the victim's consent. Third, judicial and law enforcement authorities should create environments where victims feel safe to report crimes, testify, and participate in proceedings without fear of intimidation or harm.

Courts are also obligated to minimize contact between victims and offenders during proceedings. This can involve the use of separate waiting areas, video testimonies, or ensuring that victims do not face direct confrontation with the accused during trials. For vulnerable victims, such as children or survivors of sexual violence, trauma-informed practices are essential to ensure that their experiences in the justice system do not compound their suffering.

States are obligated to establish legal and procedural frameworks that protect victims from intimidation, retaliation, and harm. This includes providing access to protection programs, particularly for victims who are witnesses in cases involving organized crime or trafficking. Law enforcement and judicial personnel must be trained to identify and respond to threats against victims, ensuring swift and effective protective measures.

Protection should be extended to family members of victims, particularly in cases where they may also face risks due to their association with the victim. For vulnerable groups, such as women and children, specialized protection mechanisms must be developed, including access to shelters, psychosocial support, and long-term safety planning.

Soft law instruments, such as the *Council of Europe Recommendation (2006) 8*, further emphasize the importance of protecting victims' physical and emotional safety. These instruments encourage states to develop comprehensive protection policies that address both immediate and long-term risks faced by victims.

The right to protection is fundamental to ensuring that victims can engage with the justice system safely and without fear. By implementing robust legal frameworks and adopting trauma-sensitive practices, states and institutions can uphold this right, fostering trust in the justice system and empowering victims to seek redress and justice. This right is not only a legal obligation but a moral imperative to ensure that victims are shielded from further harm and supported on their path to recovery.

The right to non-discrimination is a fundamental principle ensuring that all victims of crime are treated equally and with fairness, regardless of their personal characteristics or circumstances. This right is essential to fostering an inclusive and equitable justice system where no victim is denied access to justice or support due to prejudice or bias. International legal frameworks mandate that victims be protected from discrimination based on race, ethnicity, gender, age, disability, sexual orientation, nationality, religion, socioeconomic status, or any other status. Upholding this right strengthens trust in the justice system and ensures that victims receive the support and recognition they deserve.

The *Universal Declaration of Human Rights (1948)*, particularly Articles 1 and 2, enshrines the principle of equality and non-discrimination, affirming that all individuals are entitled to equal protection and rights under the law. This foundational document provides a basis for subsequent international instruments addressing victims' rights.

The *International Covenant on Civil and Political Rights (ICCPR, 1966)* further reinforces this principle. Article 26 mandates equality before the law and prohibits discrimination in the enjoyment of legal protections and entitlements. This ensures that victims of crime, regardless of their background, can access justice on an equal footing.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention, 2011)*, in Article 4, explicitly prohibits discrimination in the provision of protection and support to victims. It calls for measures that account for the unique vulnerabilities of certain groups, such as migrant women, refugees, and victims of multiple forms of discrimination, ensuring their equal access to justice and support services.

The *EU Victims' Rights Directive (2012/29/EU)* strengthens this principle by requiring Member States to ensure that victims are treated without discrimination throughout the criminal justice process. It emphasizes that special attention must be given to victims who are particularly vulnerable to discrimination, including women, children, minorities, and individuals with disabilities.

The *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)* underscores the importance of addressing gender-based discrimination, particularly in the context of violence against women. It calls on states to adopt measures to eliminate systemic barriers that hinder women's access to justice and support.

The right to non-discrimination encompasses several interrelated aspects. First, all victims must have equal access to justice mechanisms, regardless of their personal characteristics or circumstances. This includes ensuring that legal, procedural, and support services are accessible to marginalized groups such as migrants, ethnic minorities, and individuals with disabilities. Second, the justice system must provide specialized measures to address the needs of victims who face multiple forms of discrimination, such as women experiencing gender-based violence or children subjected to exploitation.

Procedural fairness is another critical component, requiring that victims are treated impartially and respectfully by law enforcement, judicial authorities, and support service providers. Discriminatory practices, whether explicit or implicit, must be identified and eliminated to ensure that all victims receive equitable treatment. This includes addressing systemic barriers, such as language obstacles or cultural biases, which may impede victims' ability to engage with the justice system.

States are obligated to establish legislative and procedural safeguards to ensure that victims are treated without discrimination. This includes adopting national laws aligned with international human rights standards, ensuring that all victims have equal access to legal remedies, support services, and protective measures. States must also implement targeted measures to address structural inequalities and ensure that marginalized groups are not excluded from justice processes.

Training law enforcement and judicial personnel is a key aspect of promoting non-discrimination. Officials must be sensitized to the needs of diverse victim populations, including recognizing and addressing unconscious biases that may affect decision-making. Additionally, states should provide interpreters, accessible facilities, and culturally appropriate services to ensure that victims from all backgrounds can engage meaningfully with the justice system.

Soft law instruments, such as the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)*, emphasize the importance of non-discrimination as a cornerstone of victim protection. These instruments encourage states to create inclusive policies and practices that respect the diversity of victims and ensure equal treatment.

The right to non-discrimination is essential to ensuring that victims of crime are treated with fairness and respect, regardless of their personal characteristics or circumstances. By upholding this right, states and institutions can create a more equitable justice system that recognizes and addresses the diverse needs of victims. This principle is not only a legal obligation but a moral imperative to ensure that all individuals, regardless of their background, can access justice and receive the support they need to rebuild their lives.

The right to legal representation is a fundamental component of ensuring justice and fairness for victims of crime. It guarantees that victims have access to qualified legal professionals who can represent their interests, advocate on their behalf, and guide them through the complexities of the criminal justice system. This right is essential to empowering victims, safeguarding their legal rights, and ensuring their effective participation in criminal proceedings. While closely related to the right to assistance and support, legal representation specifically addresses victims' need for professional legal advocacy, particularly in formal judicial processes.

The *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* emphasize the importance of legal support as part of a comprehensive framework for victim assistance. Victims should have access

to legal advice and assistance to understand their rights, navigate the justice process, and pursue remedies, including restitution and compensation.

The *EU Victims' Rights Directive (2012/29/EU)* explicitly addresses the right to legal representation. Article 13 ensures that victims have access to legal aid where applicable, particularly in cases involving complex or cross-border issues. The Directive mandates that legal representation be provided to vulnerable victims, such as children, victims of trafficking, or survivors of gender-based violence, ensuring that their specific needs are met within the judicial process.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention, 2011)* reinforces this right in Article 57, obliging states to provide free or affordable legal assistance to victims of gender-based violence. This provision highlights the importance of removing financial barriers that might prevent victims from accessing legal representation.

The *Rome Statute of the International Criminal Court (1998)* further enhances this right for victims participating in international criminal proceedings. Articles 68 and 75 ensure that victims are represented by legal counsel when presenting their views and concerns or seeking reparations, ensuring their interests are effectively advocated in complex international cases.

Legal representation encompasses several critical aspects. First, victims must have access to qualified and independent legal professionals who can provide accurate advice, represent their interests in court, and advocate for their rights during proceedings. Second, legal representation must be affordable or free, particularly for victims who lack the financial resources to hire private attorneys. This ensures that no victim is excluded from justice due to economic barriers.

The scope of representation includes guiding victims through their legal options, assisting with the preparation of claims for restitution or compensation, and representing their interests during trial and sentencing phases. For vulnerable victims, such as children or individuals with disabilities, legal representation may also involve specialized advocacy to ensure that their unique needs and circumstances are addressed within the justice process.

States are obligated to establish legal frameworks that guarantee access to legal representation for victims. This includes creating systems for free or subsidized legal aid and ensuring that legal services are available to all victims, regardless of their economic status or geographic location. Specialized training for legal professionals is also essential, equipping them with the skills to handle sensitive cases, such as those involving gender-based violence, trafficking, or crimes against children.

Procedural safeguards should ensure that victims are informed of their right to legal representation and provided with information on how to access legal aid services. States must also establish mechanisms to monitor the quality and effectiveness of legal representation to ensure that victims receive competent and reliable advocacy.

Soft law instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) and the Council of Europe Recommendation (2006) 8, encourage states to prioritize legal representation as part of broader victim assistance frameworks. These instruments emphasize the importance of removing barriers to access and ensuring that victims' legal rights are effectively protected.

The right to legal representation is a vital element of a victim-centered justice system, ensuring that victims are empowered to engage with the legal process and advocate for their rights. By providing access to qualified legal professionals, states can ensure that victims are not only participants in the justice system but active stakeholders

whose voices and interests are fully represented. Upholding this right reinforces the principles of fairness, equality, and accountability within the criminal justice system, ultimately contributing to a more just and inclusive society.

The right to access effective remedies is a fundamental principle of justice that ensures victims of crime can seek redress and obtain reparations for the harm they have suffered. This right encompasses both judicial and non-judicial mechanisms that allow victims to assert their rights, seek accountability, and recover from the physical, emotional, and financial impacts of crime. It is a cornerstone of victim-centered justice, reflecting the obligation of states to provide accessible, fair, and effective pathways for victims to secure remedies.

The *Universal Declaration of Human Rights (1948)*, in Article 8, establishes that everyone has the right to an effective remedy for acts violating their fundamental rights, as recognized by national and international law. This foundational principle ensures that victims have access to legal mechanisms to address grievances and seek justice.

The *International Covenant on Civil and Political Rights (ICCPR, 1966)*, in Article 2(3), reinforces this principle by obliging states to ensure that victims have an effective remedy through competent judicial, administrative, or other authorities. It further emphasizes that remedies must be enforceable and accompanied by reparation.

The *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* outline a comprehensive framework for ensuring access to remedies. Victims should be able to seek redress through restitution, compensation, and assistance, with states providing mechanisms for recovery and reintegration.

The *European Convention on Human Rights (ECHR, 1950)*, in Article 13, guarantees the right to an effective remedy before national authorities for any violation of rights protected by the Convention. This ensures that victims can access judicial mechanisms to address their grievances and hold perpetrators accountable.

The *EU Victims' Rights Directive (2012/29/EU)* further elaborates on the right to effective remedies by requiring Member States to establish mechanisms for victims to claim compensation and restitution. The Directive emphasizes the importance of ensuring victims are informed of their rights and supported in accessing remedies.

Effective remedies encompass several critical elements. First, victims must have access to judicial mechanisms that are fair, impartial, and responsive to their needs. This includes the ability to file complaints, participate in proceedings, and challenge decisions that affect their rights. Remedies must also include reparations, such as restitution from offenders or state-administered compensation schemes, to address the financial and emotional harm caused by the crime.

Accessibility is another key component, requiring that remedies be available to all victims, regardless of their socioeconomic status, geographic location, or legal knowledge. States must remove barriers such as high costs, complex procedures, or language obstacles to ensure that victims can effectively exercise this right.

Non-judicial remedies, such as mediation or restorative justice programs, also play a role in providing victims with alternative pathways to resolution. These mechanisms can offer victims a sense of closure and healing while holding offenders accountable for their actions.

States are obligated to establish and maintain legal frameworks that ensure victims have access to effective remedies. This includes enacting laws that recognize victims' rights to compensation, restitution, and reparations, as well as creating procedures for their enforcement. Judicial systems must be equipped to handle victims' claims efficiently and fairly, avoiding unnecessary delays or procedural hurdles.

States should also provide information and assistance to victims, ensuring they are aware of their rights and the available mechanisms for seeking remedies. Legal aid programs, victim advocacy services, and support organizations are essential in helping victims navigate the justice process and secure redress.

Soft law instruments, such as the *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* and the *Council of Europe Recommendation (2006) 8*, encourage states to prioritize access to remedies as part of broader victim assistance strategies. These instruments emphasize the importance of ensuring that remedies are not only available but effective in addressing the harm caused by crime.

The right to access effective remedies is a vital aspect of justice for victims of crime, ensuring that they can seek redress, obtain reparations, and move forward with dignity. By upholding this right, states fulfill their obligations to provide fair and accessible pathways for victims to address grievances and recover from the impacts of crime. This right is integral to building trust in the justice system and fostering a more equitable and compassionate society.

The right to avoid secondary victimization ensures that victims of crime are not further traumatized or harmed during their interactions with the criminal justice system, social services, or other institutions. This right emphasizes the need for victim-centered approaches that prioritize dignity, respect, and sensitivity at every stage of the justice process. Secondary victimization, also referred to as re-victimization, can occur when victims are exposed to insensitive or harmful treatment, unnecessary procedural delays, or practices that force them to relive their trauma. Upholding this right is critical for fostering trust in the justice system and supporting victims on their path to recovery.

The *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* underlines the importance of avoiding secondary victimization by calling for procedures that minimize inconvenience to victims, protect their privacy, and ensure their safety. It stresses that victims should not be subjected to insensitive questioning or unnecessary exposure to the offender.

The *EU Victims' Rights Directive (2012/29/EU)* incorporates specific measures to prevent secondary victimization. Article 23 mandates that Member States adopt safeguards to ensure victims are treated with respect and dignity. These measures include conducting in-camera proceedings (closed sessions), minimizing the number of interviews victims must endure, and providing trauma-informed approaches during questioning and testimony. Special attention is given to vulnerable victims, such as children and survivors of sexual violence, to ensure their unique needs are addressed.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention, 2011)* further reinforces this right. Article 56 requires states to take necessary steps to protect victims from further trauma during judicial proceedings. This includes ensuring victims are not subjected to intimidation, ensuring privacy, and minimizing contact with perpetrators throughout the justice process.

The *Convention on the Rights of the Child (1989)*, in Articles 19 and 39, calls for the protection of children from all forms of physical or mental violence and requires states to promote their recovery in environments that respect their dignity and safety. These provisions highlight the importance of child-sensitive practices to prevent secondary victimization.

Avoiding secondary victimization involves several interrelated components. First, judicial and law enforcement personnel must adopt trauma-informed approaches when interacting with victims. This includes sensitive questioning techniques, avoiding repeated requests for testimony, and ensuring that victims are not required to

recount their experiences unnecessarily. In cases involving vulnerable victims, such as children or survivors of sexual violence, specialized personnel training is essential to handle their cases with care and understanding.

Second, procedural safeguards must be implemented to protect victims from exposure to the offender. Measures such as separate waiting areas, video testimonies, and restrictions on confrontation during trials are critical to ensuring victims feel safe and supported. Courts should also prioritize the use of in-camera proceedings for sensitive cases, protecting victims from public scrutiny and preserving their privacy. Additionally, victims should be protected from delays or procedural inefficiencies that prolong their involvement in the justice system. Timely proceedings help prevent additional stress and anxiety for victims, allowing them to move forward with their recovery.

States are obligated to establish legal and procedural safeguards that prevent secondary victimization. This includes enacting laws and guidelines that require victim-sensitive practices at all stages of the justice process. Law enforcement, judicial authorities, and support service providers must receive specialized training to recognize and address the needs of trauma-affected individuals.

Victims should also be informed of their rights and the procedural safeguards in place to protect them. Access to victim advocates, counselors, and legal representatives is essential to ensure that victims have the support they need throughout their interactions with the justice system.

Soft law instruments, such as the *Council of Europe Recommendation (2006) 8*, emphasize the importance of creating victim-friendly environments that reduce stress and re-traumatization. These recommendations call for measures such as streamlined procedures, privacy protections, and the use of alternative means of testimony to safeguard victims' well-being.

The right to avoid secondary victimization is an essential aspect of a victim-centered justice system. By implementing trauma-sensitive practices, procedural safeguards, and timely interventions, states and institutions can protect victims from further harm and ensure their dignity and well-being are upheld. Upholding this right not only supports victims in their recovery but also fosters trust in the justice system, encouraging victims to seek justice without fear of additional trauma.

The right to rehabilitation is a fundamental principle of justice that ensures victims of crime have access to long-term measures aimed at restoring their physical, emotional, social, and economic well-being. This right goes beyond immediate assistance and support, focusing on sustained efforts to help victims recover from the harm they have suffered and reintegrate into society. Rehabilitation recognizes that the impacts of crime can be long-lasting, requiring comprehensive interventions to address the complex needs of victims, particularly those from vulnerable groups such as children, survivors of trafficking, and victims of gender-based violence.

The *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)* emphasize the importance of rehabilitation as part of a holistic approach to victim recovery. These principles state that victims should have access to medical, psychological, and social assistance, as well as measures to facilitate their reintegration into society.

The *Convention on the Rights of the Child (1989)*, in Article 39, explicitly recognizes the right of child victims to physical and psychological recovery and social reintegration. This provision mandates that states create environments conducive to the child's dignity and well-being, ensuring that their recovery is prioritized.

The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention, 2011)* reinforces the right to rehabilitation in Article 15, which obliges states to provide

training for professionals and ensure that victims have access to specialized support services. Article 18 further calls for integrated support systems that include long-term measures for victims' recovery and empowerment.

The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)* highlights the importance of rehabilitation for trafficking victims. Article 6(3) obliges states to consider implementing measures such as counseling, education, and vocational training to support the recovery and reintegration of trafficking survivors.

Rehabilitation involves a comprehensive approach to recovery, encompassing several critical components. First, victims must have access to long-term medical and psychological care to address the physical and emotional impacts of the crime. This includes trauma-informed therapy, psychiatric support, and medical treatment for injuries or illnesses caused by the crime. Second, social reintegration is a key element of rehabilitation. Victims should be supported in rebuilding their lives through access to education, vocational training, and employment opportunities. These measures help restore victims' independence and economic stability, reducing their vulnerability to further harm or exploitation. Third, rehabilitation includes efforts to address social and cultural stigmatization that victims may face, particularly in cases of gender-based violence or trafficking. Community-based programs that promote inclusion, empowerment, and social acceptance are critical to ensuring victims can reintegrate without fear of discrimination or marginalization.

States are obligated to establish and maintain systems that support victims' long-term recovery and rehabilitation. This includes enacting laws and policies that recognize the right to rehabilitation and allocate resources for its implementation. Comprehensive rehabilitation programs should be integrated into national victim support frameworks, ensuring that services are accessible, affordable, and tailored to the needs of diverse victim populations.

Training for professionals involved in victim support, including healthcare providers, social workers, and educators, is essential to ensure they are equipped to address the complex needs of victims. States must also collaborate with non-governmental organizations and community-based organizations to provide specialized rehabilitation services.

Soft law instruments, such as the *United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power*, emphasize the importance of creating mechanisms to ensure victims' long-term recovery. These instruments encourage states to adopt holistic approaches that address the physical, emotional, and social dimensions of rehabilitation.

The right to rehabilitation is a vital component of a victim-centered justice system, ensuring that victims have the resources and support necessary to recover fully and reintegrate into society. By upholding this right, states and institutions demonstrate their commitment to addressing the long-term impacts of crime and empowering victims to rebuild their lives with dignity and independence. This right reflects the broader principles of justice, fairness, and compassion, creating a pathway for victims to move forward and thrive.

Table 1. Summary of the international framework on Victims' Rights in criminal court proceedings

<i>Right</i>	<i>Description</i>	<i>Key International Instruments</i>
Right to a fair judicial process	Ensures victims are treated with dignity, respect, and sensitivity during proceedings.	- UN Basic Principles of Justice for Victims (1985) \n - European Convention on Human Rights (1950, Article 6) \n - EU Victims' Rights Directive (2012/29/EU) \n - Istanbul Convention (2011) \n - Rome Statute of the ICC (1998)
Right to privacy	Protects victims' personal information and identity to ensure their dignity and safety.	- UN Basic Principles of Justice for Victims (1985, Article 6(c)) \n - EU Victims' Rights Directive (2012/29/EU, Articles 21, 23) \n - Istanbul Convention (2011, Article 56) \n - UN Trafficking Protocol (2000, Article 6(1)) \n - Convention on the Rights of the Child (1989, Article 16)
Right to restitution and compensation	Ensures victims receive financial reparations for harm caused by the offender or the state.	- European Convention on Compensation of Victims of Violent Crimes (1983) \n - EU Directive on Compensation to Crime Victims (2004) \n - UN Basic Principles of Justice for Victims (1985) \n - Council of Europe Recommendation (2006) 8
Right to assistance and support	Guarantees access to services addressing immediate physical, psychological, and social needs.	- UN Basic Principles of Justice for Victims (1985, Articles 14-15) \n - EU Victims' Rights Directive (2012/29/EU, Articles 8-9) \n - Istanbul Convention (2011, Articles 20, 22) \n - Convention on the Rights of the Child (1989, Article 39)
Right to participation	Allows victims to actively engage in criminal proceedings and provide their perspectives.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Article 10) \n - Istanbul Convention (2011) \n - Rome Statute of the ICC (1998, Articles 68, 75)
Right to information	Ensures victims are informed about their rights, proceedings, and available support.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Article 4) \n - Istanbul Convention (2011, Articles 19-20) \n - Council of Europe Recommendation (2006) 8

Right to be heard	Ensures victims can present their concerns and impact statements during proceedings.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Article 10) \n - Council of Europe Convention on Action Against Trafficking (2005)
Right to protection	Protects victims from intimidation, harm, and retaliation throughout the justice process.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Articles 18, 22) \n - Istanbul Convention (2011, Article 56) \n - Convention on the Rights of the Child (1989, Articles 19, 39)
Right to non-punishment	Prevents victims from being prosecuted for acts committed under coercion or exploitation.	- UN Trafficking Protocol (2000, Article 6) \n - Council of Europe Convention on Trafficking (2005, Article 26) \n - Istanbul Convention (2011, Articles 60-61)
Right to avoid secondary victimization	Ensures victims are not re-traumatized through interactions with the justice system.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Articles 23, 24) \n - Istanbul Convention (2011, Article 56) \n - Council of Europe Recommendation (2006) 8
Right to legal representation	Guarantees access to legal counsel for navigating the justice process and asserting rights.	- UN Basic Principles of Justice for Victims (1985) \n - EU Victims' Rights Directive (2012/29/EU, Article 13) \n - Istanbul Convention (2011, Article 57) \n - Rome Statute of the ICC (1998, Articles 68, 75)
Right to rehabilitation	Provides long-term recovery measures, including medical care, counseling, and reintegration.	- UN Basic Principles of Justice for Victims (1985) \n - Convention on the Rights of the Child (1989, Article 39) \n - Istanbul Convention (2011, Articles 15, 18) \n - UN Trafficking Protocol (2000, Article 6(3))
Right to non-discrimination	Ensures victims are treated equally, regardless of personal characteristics or circumstances.	- Universal Declaration of Human Rights (1948, Articles 1-2) \n - ICCPR (1966, Article 26) \n - Istanbul Convention (2011, Article 4) \n - EU Victims' Rights Directive (2012/29/EU) \n - CEDAW (1979)

The rights of victims of crime in Albanian criminal legislation

Albania has established a robust legal framework to safeguard the rights of victims of crime, ensuring their access to justice and protection throughout the criminal process. These rights are primarily outlined in the Criminal Procedure Code (CPC) and supplemented by other national laws, reflecting the country's alignment with international standards. Victims are granted a range of protections and entitlements to ensure they are treated with dignity, respect, and sensitivity during criminal proceedings.

The amendments of the CPC provide for significant changes for the victim and the accused victim. Thus, the provisions on the victim and the accusing victim are considered very progressive and have been provided for. Articles 58, 58/a, and 58/b collectively provide a comprehensive framework for protecting victims of crime in Albania. They ensure victims' rights to dignity, safety, support, and active participation in the justice process while offering tailored protections for minors, survivors of sexual violence, and trafficking victims. These provisions reflect Albania's alignment with international standards and its commitment to victim-centered justice.

More specifically, the title of chapter VI of the CPC was changed by law No.35/2017, dated 30/03/2017 and article 58 of the CPC establishes the general rights of victims in criminal proceedings, including:

- *Prosecution of the offender:* The right to request the initiation of criminal prosecution.
- *Medical and psychological assistance:* Access to medical care, psychological counseling, and other support services provided by authorities or organizations.
- *Communication in their language:* Assistance from translators, sign language interpreters, or communication facilitators for victims with speech or hearing disabilities.
- *Legal representation:* The right to choose a legal representative and, where applicable, access free legal aid as per current legislation.
- *Information about the case:* The right to be informed of the progress and status of the case, as well as access to case files and evidence, within the limits of investigative confidentiality.
- *Participation in proceedings:* The right to request evidence collection, present additional requests, and participate actively in the proceedings.
- *Notification of key events:* The right to be informed about events such as the arrest, release of the accused, and key procedural decisions (e.g., non-initiation of proceedings, case dismissal, or trial outcomes).
- *Appeal decisions:* The right to appeal the prosecutor's or judge's decisions not to initiate or dismiss a case.
- *Compensation claims:* The right to claim compensation for damages and be recognized as a civil plaintiff in the criminal process.
- *Exemption from fees:* In specific cases, exemption from judicial or administrative fees related to their status as a victim.
- *Attendance at hearings:* The right to be summoned to preliminary and initial judicial hearings and be heard by the court, even if not called as a witness, and
- The right to exercise other rights stipulated by the Criminal Procedure Code.

Additionally:

- Victims lacking legal capacity exercise their rights through legal representatives or guardians, and if conflicts of interest arise, a special guardian may be appointed.
- Heirs of the victim inherit specific rights, including seeking prosecution and compensation.

Article 58/a: Rights of minor victims provides additional protections for minor victims, recognizing their unique vulnerabilities and *article 58/b: Rights of Victims of Sexual Abuse and Human Trafficking* adds specific protections for victims of sexual abuse and human trafficking.

More specifically, the victims' rights are based on the following national legislation:

The right to access justice is a cornerstone of Albania's legal provisions for victims. Victims, referred to as "injured parties" under Article 58 of the CPC, have the right to initiate and request the prosecution of offenders. This right ensures that victims are not mere observers in the criminal process but active participants capable of seeking accountability. Furthermore, victims of certain criminal offenses have additional rights under Article 59 of the CPC, which allows them to file complaints in court as "accusatory victims," enabling them to participate in the trial to prove charges and seek redress for harm caused.

The right to participate in criminal proceedings is a central component of Albanian legislation. Victims are entitled to present evidence, submit requests, and engage directly in the criminal process. They can request the collection of further evidence, communicate their concerns to the prosecutor or court, and, under Article 58 of the CPC, have the right to be heard during proceedings. This participation underscores the victim's role as an integral part of the justice process and ensures their voices and perspectives are given due consideration in key decisions.

The right to information is designed to ensure transparency and accountability within the justice system. Victims have the right to be informed about the status and progress of their case, including notifications about key procedural milestones such as the initiation or dismissal of proceedings, arrest or release of the accused, and the commencement and conclusion of the trial. Article 58 of the CPC mandates that victims have access to case files and evidence, provided it does not violate investigative confidentiality, empowering them with the knowledge needed to make informed decisions.

Albanian law also provides for the right to legal representation, ensuring that victims can protect their interests effectively within the justice system. Article 58 of the CPC grants victims the right to appoint a lawyer, and for those unable to afford legal services, the Law on Legal Aid guarantees free legal assistance. This provision removes financial barriers, ensuring that economic hardship does not impede access to justice.

The right to protection ensures that victims are safeguarded from intimidation, harm, or retaliation throughout the criminal justice process. Article 58 of the CPC outlines measures to protect victims from direct confrontation with offenders, including the use of video links for testimony. In cases of domestic violence, the *Law on Measures Against Violence in Family Relations* provides additional protections such as restraining orders, ensuring victims' safety.

Preventing secondary victimization is another critical priority in Albanian legislation. *Article 361/a of the CPC* ensures that victims, particularly those who are vulnerable, are treated with care and sensitivity to avoid re-traumatization. Questioning is conducted in a trauma-informed manner, minimizing unnecessary repetition of the victim's account. Victims of sexual abuse and trafficking have specific protections under *Article 58/b of the CPC*, such as the right to be questioned by an officer or prosecutor of the same gender and the ability to testify through audiovisual means, reducing psychological distress.

The right to privacy is explicitly protected under *Article 103 of the CPC*, which allows for closed-door hearings in cases involving minors, sexual violence, or other sensitive matters. Victims' personal information is protected to prevent public exposure, and disclosures of their identities are strictly controlled.

Victims are entitled to **assistance and support** to address their immediate needs and long-term recovery. Article 58 of the CPC guarantees access to medical care, psychological counseling, and other services. Complementary legislation, such as the Law on Social Services and the Law on the Protection of Children's Rights, provides additional frameworks to ensure victims receive tailored assistance.

The right to seek compensation and restitution is another critical component of Albanian legislation. Victims can file civil claims within criminal proceedings under Article 61 of the CPC or pursue separate legal actions for damages as provided by the Civil Code. Compensation schemes aim to address both the financial and emotional harm caused by the crime, providing victims with a sense of justice and closure.

Special protections are granted to vulnerable victims, recognizing their unique needs and circumstances. Article 58/a of the CPC provides additional safeguards for minor victims, including age-sensitive questioning, confidentiality, and the presence of a trusted person during proceedings. Victims of sexual abuse and trafficking are further protected under Article 58/b, which grants them the right to gender-sensitive procedures and shields them from irrelevant and invasive questioning about their private lives.

The right to rehabilitation ensures that victims have access to long-term recovery measures, addressing not only immediate harm but also the broader impacts of crime. Article 58 of the CPC guarantees services such as counseling, medical treatment, and reintegration programs, while the Law on Social Services strengthens this right by providing access to vocational training and other resources to restore victims' independence.

Methodology

The analysis focused on reviewing court decisions to evaluate the extent to which victims' rights are upheld in judicial practices across Albania. The selection process involved identifying cases that directly impacted victims, such as those related to domestic violence, sexual violence, human trafficking, and other crimes where victim participation is critical. Cases were chosen from multiple jurisdictions, including district courts, to capture a broad spectrum of judicial practices.

The decisions were analyzed using both quantitative and qualitative methods:

- *Quantitative analysis*: Focused on trends, such as the frequency of references to victims' rights, outcomes related to reparations, and instances of victim participation.
- *Qualitative analysis*: Involved a detailed examination of case narratives to identify best practices, challenges, and patterns in how victims' rights were addressed.

Data collection

Data for the analysis were sourced from:

- *Court records*: The information regarding the court decisions, which forms the basis of the study on victims' rights, was obtained directly from the courts. The courts responded to formal inquiries, and the related materials (court decisions) were delivered by post to AWEN. In four judicial districts, these materials were

handed directly to individuals authorized for the study. Additionally, researchers accessed supplementary information from publicly available sources, specifically through the transcribed court decisions published on the official website of the High Judicial Council of Albania. Being aware of the rights provided by law to the defendant, including the principle that a person is deemed innocent until proven guilty, this study focuses on the final decisions of first-instance courts of general jurisdiction as published by the courts themselves. These verdicts have passed the preliminary trial stage, and the defendants were either convicted or acquitted by court decisions that are subject to appeal under the law to higher courts. The above-listed terms "victims" and "defendants" are subject to a court decision. Our monitoring focuses on ensuring that victims of criminal offenses receive appropriate information, support, and protection after a crime has been committed against them. Victims must also be able to participate in criminal proceedings in any court of general jurisdiction where the crime was prosecuted, following the Criminal Procedure Code and the amendments introduced by Law No. 35/2017, dated 30.3.2017 (CPC).

Every court in Albania is required to ensure that victims are recognized and treated respectfully, sensitively, and professionally, based on their individual needs and without any form of discrimination. These requirements are defined as the minimum standards for all victims of all crimes. When a crime is suspected to have been committed, the victim must be provided with the minimum rights outlined in the EU Directive on Victims' Rights, under which victims are treated as a central part of the justice process.

- *Legal documents:* Relevant laws, procedural codes, and constitutional provisions governing victims' rights.
- *Secondary sources:* Reports, studies, and publications by NGOs and institutions monitoring judicial practices.

The timeframe for case selection encompassed decisions made over the past six and half years (January 2018 to June 2024) as following:

Table 2. Monitoring of court decisions

Year	Diber	Durres	Elbasan	Fier	Lezhe	Korce	Kukes	Tirane	Vlore	Gjirokaster	Shkoder
2018	2	2	4			2			11	3	2
2019	2	1	1			3	1		3		2
2020	1	1	3	1	2	2					
2021	3	1	1		3		2	12			
2022	3	3	1	2	3	2	2	1		1	1
2023	1	8		3		1					2
2024	1	5		4				11		1	
Total	13	21	10	10	8	10	5	24	14	5	7

Monitoring of court decisions

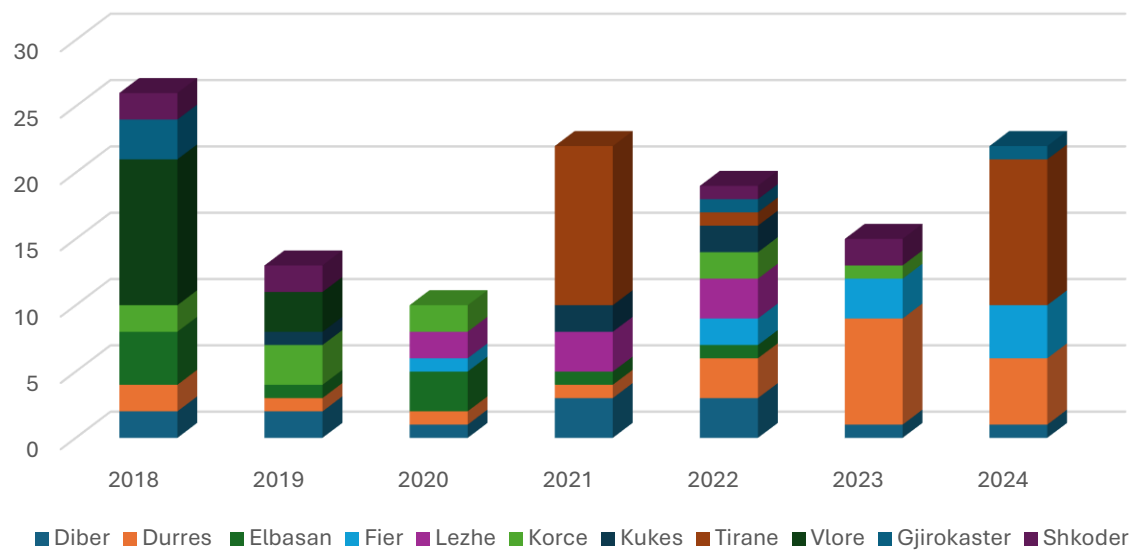


Table 3. Criminal offences monitored

Type of criminal offenses (Penal Code)	No. of court decisions	Defended was declared guilty	Defendant was declared Innocent	No information	The victim says the perpetrator should be reinstated.	Victim forgives perpetrator of criminal offense	Other statements	No information	Victim in absence
100/1/2. Sexual or homosexual intercourse with minors aged 14-18	17	10	5	2	2	4	2	8	1
101/1. Sexual or homosexual intercourse with minors aged 14-18	6	3	1	2	-	-	1	4	1
102/2. Sexual intercourse with adults	4	3	1	-	1	1	-	2	-
108. Shameful acts	8	6	2	-	1	2	1	3	1
108/a/1/2. Sexual harassment	23	11	8	4	3	1	-	13	6
110. Unlawful removal of liberty	1	-	1	-	-	1	-	-	-
114. Exploitation of prostitution	1	1	-	-	1	-	-	-	-
117/1/2 Pornography	6	6	-	-	-	-	-	-	6
121 Unfair interferences in private life	3	3	-	-	1	-	-	-	-
121/a/1/. The persecution	40	33	6	1	7	6	-	13	14
124/b Mistreatment of minor	5	2	2	1	-	3	-	-	-
130/a Domestic violence	5	4	1	-	-	-	5	-	-
293/b Interference with computer data	1	1				1			

*Note: The data in this table indicates the type of criminal offenses that have been monitored. A defendant in some cases in a process is tried for two or more criminal offences. For example, in a decision monitored by the court on the legal basis on the first page of the decision, it wrote 7 criminal offenses that are against the defendant by establishing as a legal basis Articles 119,120,121,122,112 of the Criminal Code and finally dismissed the case after the defendant had not consumed any of these offenses. There are also charges brought in a criminal offense process provided for by Articles 100/1 and 124/b/1, Articles 121 /a/1/2 with Article 130/a, and Articles 100/1 to 331 of the Penal Code.

Criteria for analysis

The court decisions were analyzed based on the following key principles and rights:

- *Protection*: Measures taken to safeguard victims from further harm during and after judicial proceedings.
- *Participation*: The extent to which victims were allowed to participate in the judicial process, including representation, testimony, and access to case information.
- *Reparations*: The adequacy of compensations or restorative measures provided to victims.
- *Fair treatment*: Whether victims were treated with dignity and respect throughout the process.
- *Accountability*: How the courts held perpetrators accountable in a manner that reflected the severity of harm caused to victims.

Limitations

Despite rigorous methodology, the study faced several constraints:

- *Access to data*: Limited access to certain court decisions, particularly those not published or available due to confidentiality restrictions.
- *Geographic representation*: While efforts were made to include multiple jurisdictions, some regions may be underrepresented due to logistical challenges.
- *Subjectivity in analysis*: Qualitative assessments rely on interpretative judgments, which may vary depending on the context.
- *Systemic gaps*: Challenges in tracking cases where victims opted out of legal proceedings due to systemic barriers such as fear of retaliation or lack of trust in the judiciary.
- *Language and terminology*: Variability in how victims' rights are referenced or addressed in court documents posed challenges in standardizing the analysis.

These limitations highlight the need for broader data access and improved transparency in the judicial system to facilitate comprehensive monitoring of victims' rights.

Findings and analysis

This section provides insight into how victims' rights are upheld or neglected in practice. It examines the enforcement of crime victims' specific rights across different types of criminal offenses, as outlined in the Penal Code and defined under respective legal provisions. Each victim's right is analyzed for every category of offense covered in this report, with reference to the relevant articles of the Criminal Code, as follows:

- **The right to access justice**

The right to access justice is a fundamental aspect of victims' rights and a key pillar of the rule of law. It enables victims to report crimes, seek accountability, and participate meaningfully in legal proceedings. Albania has made significant progress in establishing a legal framework to uphold these rights; however, challenges remain in ensuring their consistent and effective implementation. An analysis of the monitored cases highlights areas where judicial practices and procedural aspects could be strengthened to further enhance victims' access to justice.

Article 100/PC. The right to access justice is a fundamental principle of victims' rights, ensuring that they can report crimes, seek accountability, and participate actively in the legal process. In the monitored cases, courts have imposed severe sentences on perpetrators in many instances, demonstrating a strong commitment to addressing serious offenses against minors. However, the dismissal of charges in one case, based on the victim's perceived sexual maturity, highlights inconsistencies in judicial interpretation. This decision raises concerns about the uniform application of legal protections for minors under Article 100. Additionally, challenges related to the strength of prosecutorial investigations were noted in some cases, potentially impacting the level of protection and accountability. These findings underscore the importance of legal clarity and standardized judicial practices to ensure consistent and equitable access to justice for all victims.

Article 101/PC. Victims of crimes under Article 101 have the right to seek justice through effective prosecution and adjudication of offenses. The monitored cases indicate that courts have generally imposed sentences on perpetrators, demonstrating a commitment to addressing these crimes. However, certain factors can influence the full realization of this right:

- *Familial influence on proceedings:* In one case, the victim's family submitted a statement aiming to "resolve relations" with the accused, without the victim's direct approval. Despite this, the court proceeded with issuing a sentence, reinforcing the principle that legal proceedings should prioritize justice. However, this case highlights the broader challenge of familial or societal pressures, which may affect a victim's ability to independently seek justice.
- *Judicial approach to consent declarations:* In a case where the victim stated that the relationship was consensual, the court determined that the evidence did not support this claim and proceeded with sentencing. This decision reflects an awareness of power dynamics and vulnerabilities, particularly in cases involving minors. Ensuring that such rulings are accompanied by clear legal reasoning aligned with the victim's best interests is essential to maintaining fairness and consistency.

Article 102/PC. Victims of sexual violence under Article 102 have the right to seek legal accountability for offenders. In the monitored cases, courts issued well-reasoned decisions and appropriate sentences, demonstrating a commitment to addressing the seriousness of these offenses. However, in one case, the absence of data regarding the victim's presence at trial highlights the importance of ensuring accessibility and support throughout the justice process. Upholding the right to access justice, as outlined in Article 58 of the Criminal Procedure Code (CPC), requires consistent efforts to facilitate victims' participation and ensure they receive the necessary support to engage fully in legal proceedings.

Article 108/PC. Victims of obscene acts involving minors have the right to seek justice for violations of their moral and sexual dignity. The monitored cases indicate that courts have acknowledged the seriousness of these offenses and issued decisions that emphasize the harm inflicted on minors, particularly in cases involving individuals with whom they had social or familial connections. While the judiciary demonstrates awareness of the gravity of these crimes, ensuring that victims in vulnerable circumstances can safely and effectively access justice remains an important consideration. In cases involving family members, additional measures may be needed to support victims in reporting offenses without fear of pressure or reprisal.

Article 108/a/PC. Sexual harassment undermines the dignity of victims by creating a threatening, degrading, or humiliating environment. In the monitored cases, courts acknowledged the harm caused

and issued sentences, reflecting an understanding of the seriousness of the offense. Ensuring that all victims, particularly minors and marginalized individuals, can access justice without fear or obstacles remains important for the effective protection of their rights.

Article 121/PC. Victims of offenses under Article 121 have the right to seek justice for violations of their private lives. The law criminalizes the unauthorized installation of listening or recording devices and the misuse or publication of private data, reflecting the importance of safeguarding personal privacy. While these legal provisions acknowledge the seriousness of such offenses, the monitored cases suggest that victims may encounter challenges in accessing justice. In some instances, victims experience delays in reporting offenses, often due to concerns about social stigma or potential repercussions. Strengthening support mechanisms and ensuring timely responses to complaints can help facilitate victims' access to legal recourse.

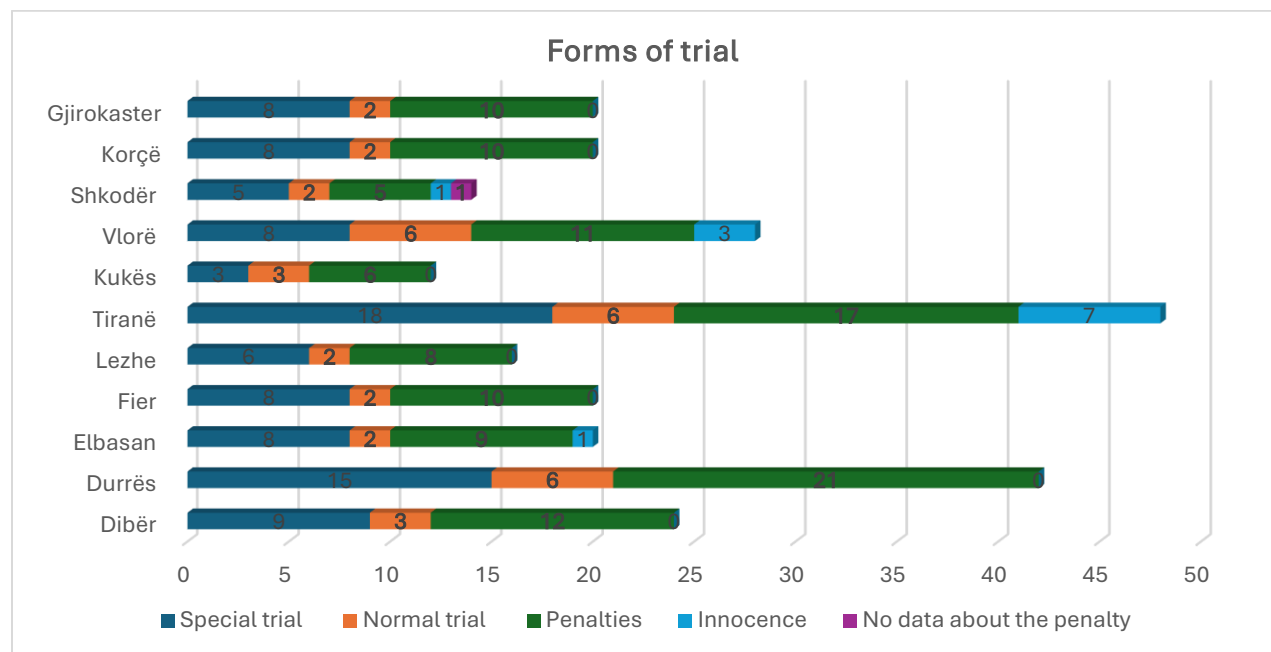
Article 121/a/PC. Stalking involves repeated, threatening, and harassing actions that can cause significant distress and fear for victims. The monitored cases highlight the impact of such offenses, including threats, the distribution of intimate materials, and blackmail. While courts have acknowledged the seriousness of these crimes and issued decisions accordingly, some victims may hesitate to seek legal assistance due to concerns about safety or awareness of their rights. Strengthening public awareness efforts and ensuring accessible support mechanisms can help victims feel more confident in reporting offenses and seeking protection.

Article 130/a/PC. Victims of domestic violence have the right to seek justice for violations of their physical, psychological, and economic well-being. Albanian law criminalizes a wide range of violent behaviors under Article 130/a, including physical abuse, psychological harm, and economic coercion. The legal provision addressing repeated offenses and acts committed in the presence of children reflects the seriousness with which these crimes are treated. However, some victims may face challenges in seeking justice due to societal stigma, fear of repercussions, or financial dependence on the perpetrator. Enhancing the accessibility and responsiveness of legal mechanisms can help ensure that victims feel supported and empowered to pursue justice safely.

Forms of trial. Special trial procedures, such as those outlined in Articles 400-406 of the Criminal Procedure Code (CPC), can contribute to more efficient judicial processes, benefiting all parties, including victims. However, the limited number of cases processed through agreements—only two, with one returned by the court—suggests variability in their application. Additionally, in one case where a victim was absent against their will, concerns arise regarding the ability to fully exercise their rights. Ensuring that victims have the opportunity to participate meaningfully in proceedings and that agreements are reviewed transparently can help uphold their access to justice.

Table 4. Forms of trial

No.	Courts	Special trial	Normal trial	Penalties/Guilty	Dismissal/Not guilty	No data about the penalty
1	Dibër	9	3	12	-	
2	Durrës	15	6	21	-	
3	Elbasan	8	2	9	1	
4	Fier	8	2	10	-	
5	Lezhe	6	2	8	-	
6	Tiranë	18	6	17	7	
7	Kukës	3	3	6	-	
8	Vlorë	8	6	11	3	
9	Shkodër	5	2	5	1	1
10	Korçë	8	2	10	-	
11	Gjirokaster	8	2	10	-	



Penalties for criminal offenses. The use of imprisonment as the primary penalty in 119 out of 127 cases demonstrates the justice system's commitment to holding offenders accountable. The high conviction rate (122 guilty verdicts) indicates that victims generally have access to justice. However, challenges remain in ensuring the effective enforcement of compensation mechanisms, particularly in cases involving alternative sentences. The Attorney General's 2024 instructions to pursue alternative sentences alongside victim compensation represent a positive step, but their practical implementation appears inconsistent, as no compensation was sought or awarded in the monitored alternative sentencing cases. Strengthening the enforcement of these measures can help ensure a more comprehensive approach to justice for victims.

Victims' needs. Ensuring that victims have adequate legal representation and the ability to participate in court proceedings is essential for effective access to justice. In the monitored cases, only 9 victims had their own lawyer, while 23 cases involved state-appointed legal representation. In 75 cases, final decisions did not specify whether legal representation was provided. Additionally, in 11 cases, victims were absent, and courts often classified their absence as voluntary without further examination of potential contributing factors, such as fear, trauma, or logistical challenges.

These findings suggest that access to legal aid and victim support services could be strengthened to better facilitate participation in judicial processes. While victims receive a letter of rights, ensuring that these rights are effectively implemented remains an important consideration. Strengthening legal assistance and support mechanisms can help victims navigate the criminal justice system more effectively and seek accountability with confidence.

Cost of criminal proceedings. EU Directives ensure that victims have the right to reimbursement for costs incurred during their participation in criminal proceedings. While Albanian law includes provisions for compensation, court decisions indicate that the mechanisms for implementing these rights could be strengthened. This may create challenges in accessing justice, particularly for victims from economically disadvantaged backgrounds. The monitored decisions suggest that legal costs are primarily recorded in relation to prosecutorial and court expenses, while victim-incurred costs are not systematically documented or reimbursed. Enhancing the implementation of compensation mechanisms could help alleviate financial burdens and ensure that all victims can fully exercise their right to justice.

- **The right to participate in criminal proceedings.**

Participation in criminal proceedings is a fundamental aspect of victims' rights, ensuring their voices, experiences, and perspectives are considered throughout the judicial process. Albanian law, specifically Articles 58 and 58/a of the Criminal Procedure Code (CPC), grants victims the right to actively engage in legal proceedings. While this legal framework provides important protections, some monitored cases highlight challenges in ensuring meaningful participation. These challenges, which range from external pressures to procedural limitations, underscore the need for continued efforts to enhance victims' engagement in the justice process, as outlined below:

Article 100/PC. The analysis indicates that some victims, particularly minors, have expressed a desire to maintain relationships with their abusers, citing mutual consent and intentions to marry. While courts have imposed severe sentences despite these statements, a deeper examination of the victims' circumstances, including socio-economic factors and external influences, could further strengthen the judicial approach. In cases where family dynamics, intellectual development, or external pressures may impact victims' testimony, adopting a nuanced and victim-centered approach can help ensure that their participation reflects their best interests and informed decision-making.

Article 101/PC. In the monitored cases, victims' statements played a key role, whether in expressing consent to the relationship or opposing familial intervention. However, these cases highlight important considerations regarding the conditions under which victims participate:

- *Influence and autonomy:* In one case, a statement was submitted by the victim's family without her direct consent, raising questions about the extent to which victims, particularly minors, are

able to participate independently. Ensuring that the victim's voice remains central to the proceedings, free from external pressures, is an important aspect of a fair judicial process.

- *Support during testimony:* The monitored cases do not specify whether victims received support while testifying. Under Article 58/a of the Criminal Procedure Code (CPC), minor victims are entitled to be accompanied by a trusted person during proceedings, which is particularly important in cases involving sensitive offenses. Strengthening the consistent application of such protective measures can help create a more supportive environment for victims.

Article 102/PC. In the monitored cases, courts relied on clear victim statements as essential evidence in establishing the facts of the case. This highlights the crucial role of victim testimony in addressing offenses. However, in one case, the absence of information about victim participation suggests a potential need to further reinforce this right. Albanian law, as outlined in Article 58 of the Criminal Procedure Code (CPC), guarantees victims the right to actively participate in proceedings, present evidence, and make their voices heard. Ensuring that these rights are consistently upheld remains important.

While specific findings were identified in some cases that require particular attention, no specific issues were noted in others, such as offenses defined under Articles 108/a, 121/a, and 130. However, the overall analysis reinforces the importance of safeguarding victims' rights to testify, present evidence, and actively engage in judicial proceedings.

Penalties for criminal offenses. The limited use of alternative sentences, such as probation or public interest work, suggests that courts have generally prioritized imprisonment for severe offenses. In cases where alternative penalties were applied (e.g., 20 cases converted to probation and 1 case to public interest work), ensuring victim participation can help reflect their perspectives and needs in sentencing decisions. The absence of recorded victim involvement in these cases highlights an opportunity to strengthen mechanisms that facilitate their engagement in the judicial process, ensuring that their rights to participate and be heard are consistently upheld.

Victims' needs. The participation of victims in criminal proceedings is essential to ensuring their voices are heard and their experiences acknowledged. The monitored data suggests that some victims may be absent from trials due to factors such as fear, lack of support, or insufficient information. This can present challenges in fully exercising their rights, including the ability to present evidence, express concerns, or seek reparations.

For those who do attend court, their role is often focused on supporting the investigation rather than actively shaping the outcome. Expert reports, such as forensic, psychiatric, and psychological assessments, primarily serve to inform the judicial process, but there may be opportunities to further integrate victim-centered approaches that address their individual needs and support their recovery.

Cost of criminal proceedings. The lack of recorded data on victim-incurred expenses, particularly for legal representation, highlights the importance of ensuring that victims have adequate financial support to participate meaningfully in proceedings. The table shows that only 9 victims had their own lawyer, while 23 relied on state-appointed legal aid, and 75 cases did not include data on legal representation.

Limited financial resources can present challenges for victims in fully engaging with the judicial process, potentially affecting their ability to present their case effectively. Enhancing transparency in recording legal costs and ensuring that victims are aware of available financial support options could help strengthen their access to justice and improve the implementation of compensation and restitution mechanisms.

- **The right to information**

The Right to Information. The right to information is a fundamental aspect of victims' rights, ensuring that they are informed about their legal status, the progress of their case, and available remedies. Legal provisions, such as Article 58 of the Criminal Procedure Code (CPC), require that victims have timely and comprehensive access to this information. Court decisions indicate that judicial authorities do provide information on procedural rights, including the right to be informed. However, the way these rights are communicated in court rulings is not always explicitly detailed. A more in-depth study, including direct monitoring of judicial hearings from the initiation of a criminal case to its resolution, could offer further insights into how consistently and effectively this right is upheld in practice.

Article 100/PC. The right to information requires judicial and procedural bodies to ensure that victims are informed about their rights, the progress of their cases, and potential outcomes. The findings suggest that some victims, particularly minors or those facing socio-economic challenges, may not have fully understood their rights or the implications of their statements during proceedings. This highlights the importance of victim-centered communication strategies that provide clear, accessible, and age-appropriate information about legal rights, the judicial process, and available support services. Strengthening these efforts can help ensure that all victims, regardless of their circumstances, are well-informed and able to engage meaningfully in the justice process.

Article 101/PC. Ensuring that victims are informed about their rights, the progress of their case, and the implications of judicial decisions is essential for their meaningful participation in legal proceedings. While the analysis does not provide specific details on whether victims were adequately informed, the complexities surrounding familial interventions and declarations of consent suggest that there may be areas for improvement in ensuring victims fully understand their rights and options.

- *Awareness of legal rights:* Some victims, particularly minors, may need additional support to fully understand their rights, including their ability to express their own position independently of familial influence.
- *Transparent communication:* Strengthening efforts to provide clear, timely, and accessible information to victims can help them make informed decisions and navigate the judicial process more effectively.

Article 102/PC. The right to information is essential in ensuring that victims are aware of their rights, the progress of their case, and the implications of judicial decisions. The monitored cases do not provide specific details on whether victims were adequately informed. This highlights the importance of clear and consistent communication from judicial authorities, particularly regarding victims' roles in the proceedings, case outcomes, and the support services available to them. Strengthening these efforts can help enhance victims' engagement and confidence in the justice process.

Article 108 (108/a)/PC. Victims of obscene acts have the right to be informed about their legal rights, the progress of their case, and the outcomes of judicial proceedings. The monitored cases do not provide specific details on whether victims, particularly minors, received adequate information. Given that minors may require additional support to fully understand the judicial process, ensuring the effective implementation of Article 58 of the CPC is important. Strengthening communication efforts can help ensure that victims are well-informed and able to make informed decisions regarding their cases.

Article 121/PC. Ensuring that victims are informed about their rights and the status of their cases is essential, particularly in cases involving privacy violations. Some victims may face challenges in understanding the legal implications of their situation or the steps required to seek justice. Article 58 of the CPC mandates that victims are kept informed throughout the judicial process. Strengthening communication between authorities and victims, especially regarding the handling of sensitive information, can help build trust and confidence in the justice system.

Article 121/a/PC. Victims of stalking should have access to clear information about the legal process and the protective measures available to them. The monitored cases indicate that some victims initially attempt to resolve issues independently before seeking assistance, which may suggest a need for greater awareness of legal rights and available support. Ensuring that judicial authorities provide timely and accessible information can help empower victims to take appropriate legal action and access the resources they need.

Article 130/a/PC. The right to information is essential in ensuring that victims are aware of their rights and the progress of their cases. In domestic violence cases, where power imbalances and coercive control can be significant factors, clear and consistent communication about legal options, case status, and available protections is particularly important. Albanian law, under Article 58 of the CPC, mandates that victims receive timely and accessible information. Strengthening the implementation of these provisions can help ensure that victims are well-informed and supported throughout the legal process.

Trial Process and Evidence. Ensuring that victims are well-informed about the judicial process, including trial procedures and evidence presentation, is essential for their meaningful participation. While the monitored cases do not indicate specific gaps, they highlight the broader importance of clear communication to help victims understand their rights, the implications of different trial forms, and the role of evidence in their case. Strengthening consistent record-keeping and providing clear explanations from judicial authorities can further support victims in navigating the legal system and ensuring their informed participation.

Penalties for criminal offenses. Ensuring that victims are informed about sentencing decisions, their implications, and enforcement mechanisms is an important aspect of procedural transparency. In five dismissed cases and one case with no recorded data on punishment, the absence of clear information highlights the need for consistent communication. Under Article 58 of the Criminal Procedure Code (CPC), victims have the right to be informed at every stage of the proceedings, including details on sentencing and enforcement. Strengthening communication and record-keeping practices can help ensure that victims remain fully informed throughout the judicial process.

Victims' needs. A clear understanding of the judicial process is essential for victims to feel empowered and exercise their rights effectively. The monitored cases suggest that while victims receive a letter of rights, additional efforts may be needed to ensure they fully understand their rights and how to exercise them in practice. Moreover, enhancing transparency regarding legal proceedings, compensation opportunities, and protective measures can help strengthen victims' engagement and confidence in the judicial system. Providing accessible and practical information at every stage of the process can contribute to a more supportive and informed experience for victims seeking justice.

Cost of criminal proceedings. Victims have the right to clear and comprehensive information about the financial aspects of their involvement in criminal proceedings. However, the lack of detailed records on

costs such as legal fees, court expenses, and expert assessments may limit victims' awareness of their financial obligations and options for reimbursement. The monitored decisions indicate variations in how expenses are recorded across courts, with some (e.g., Tirana) providing detailed cost breakdowns at different stages of the process, while others (e.g., Vlora, Kukës) include less information. Ensuring greater consistency in documenting and communicating financial aspects of legal proceedings can help improve transparency and support victims in understanding their rights and available financial assistance.

- **The right to legal representation.**

Legal representation is a fundamental component of victims' rights, ensuring they receive professional assistance to navigate the complexities of the criminal justice system, protect their interests, and seek reparations. However, the findings suggest challenges in the availability and accessibility of legal representation for victims, which may impact their ability to exercise this right effectively. The monitored cases indicate that access to legal representation remains limited for victims of criminal offenses. Out of 127 cases:

- Only **9 victims** had chosen their own lawyer.
- **23 victims** were represented by state-appointed lawyers.
- In **75 cases**, there was no recorded data on victims' legal representation, and in **11 cases**, victims were absent from the trial altogether.

Limited access to legal representation can affect victims' ability to fully participate in proceedings, present evidence, or seek reparations. While state-appointed lawyers are intended to provide legal support for those unable to afford private representation, the effectiveness of this assistance remains unclear. The monitored cases did not provide sufficient details to assess whether state-appointed lawyers actively advocated for victims beyond procedural formalities, raising concerns about the adequacy and quality of legal aid.

The absence of legal representation may also disproportionately impact vulnerable groups, such as minors, victims of sexual violence, and individuals from socio-economically disadvantaged backgrounds, who may require additional support in asserting their rights. Several factors contribute to these challenges, including:

- *Financial constraints:* Many victims may not have the means to afford private legal counsel, while the availability of state-appointed lawyers is limited.
- *Lack of awareness:* Some victims may not be fully informed about their right to legal representation or the process for accessing state-provided legal aid.
- *Resource limitations:* The legal aid system may lack the capacity to provide comprehensive and specialized legal representation to all victims.
- *Procedural barriers:* The absence of clear protocols to ensure victims are connected to legal representation services may further hinder access.

Albanian law, specifically Article 58 of the Criminal Procedure Code (CPC), guarantees victims the right to legal representation. However, the findings suggest that additional measures may be needed to strengthen the implementation of this right, particularly in cases requiring specialized legal expertise, such as those involving minors or victims of sexual violence. Enhancing access to legal aid and ensuring victims receive adequate legal support can help facilitate a more victim-centered approach to justice.

- **The right to fair treatment.**

The right to fair treatment is fundamental to victims' rights, ensuring that their dignity, interests, and needs are respected throughout the judicial process. While judicial efficiency and timely case resolution are important, they should not come at the expense of fairness for victims. In the Albanian criminal justice system, particularly in the context of trial forms, ensuring consistency in upholding this right remains a challenge.

The monitored cases indicate that summary trials and agreements, as provided under Articles 400–406 of the Criminal Procedure Code (CPC), are often used to expedite judicial processes. While these trial forms can help reduce delays, it is essential that they uphold principles of fairness and do not compromise victims' rights. The findings suggest areas where the consistent application of these procedures could be improved:

- *Variation in implementation:* Despite the Prosecutor General's guidance on ensuring fairness in trial forms, their application varies. Out of 127 monitored decisions, only two cases were processed through agreements. In one case, the court returned the agreement due to insufficient terms, while in the other, the victim was absent against their will. These instances highlight the importance of maintaining transparency and procedural fairness.
- *Victim participation:* The absence of victims, particularly in cases involving negotiated agreements, may limit their ability to have their perspectives considered. Ensuring their meaningful participation in the process is crucial to maintaining a balanced and just judicial outcome.

Special trial forms, such as summary trials, should prioritize the inclusion and fair treatment of victims. However, the findings suggest that victims may face challenges in actively engaging in these processes:

- *Access to information:* Victims are not always consistently informed about the nature of summary trials or agreements and how these procedures may impact their case. In many instances, victims were absent from the proceedings, which may have affected their ability to receive relevant information, make informed decisions, or assert their rights.
- *Procedural safeguards:* In cases where agreements are reached, the terms should be carefully reviewed to ensure they reflect victims' interests. The rejection of one agreement by the court underscores the need for greater oversight and adherence to fairness. For minor offenses, the application of negotiated agreements could help ensure that victims perceive justice as being achieved in a timely and equitable manner.

While summary trials are designed to improve judicial efficiency, it is essential that they maintain a fair balance between expediency and the protection of victims' rights. Courts and prosecutors play a key role in ensuring that victims are not sidelined in the pursuit of efficient resolutions. The findings indicate that this balance is not always fully achieved, and strengthening procedural fairness could help ensure victims feel adequately represented and supported.

Article 58 of the Criminal Procedure Code (CPC) establishes victims' rights to participate in proceedings, provide evidence, and be informed about the judicial process. Ensuring consistency in the application of fair trial procedures is essential, particularly in cases where victims may be excluded from key stages of the process or where agreements are approved without their input. Strengthening communication,

oversight, and procedural safeguards can help ensure that victims' rights are fully upheld throughout the judicial process.

- **The right to protection**

The right to protection is essential in safeguarding victims from harm, intimidation, retaliation, or further trauma throughout the criminal justice process. Albanian legislation, **particularly** Articles 58 and 58/a of the Criminal Procedure Code (CPC), provides for protective measures. However, the monitored cases suggest that the consistent application of these protections could be strengthened to better support victims and minimize the risk of re-victimization.

Article 100/PC. Protection from harm, intimidation, or retaliation is particularly important for minors and vulnerable victims. Cases involving family members as perpetrators illustrate the complex dynamics that can influence victims' safety and willingness to testify. Ensuring effective protective measures, such as restraining orders, secure accommodations, and psychological support, can help create a safe environment for victims to engage with the justice system.

Article 101/PC. The right to protection includes physical, psychological, and legal safeguards for victims, particularly minors.

- *Protection from external pressure:* In one case, a family-submitted statement underscores the need to ensure that victims are not influenced by external pressures, which could affect their participation in proceedings.
- *Courtroom safeguards:* Measures such as video testimony or in-camera proceedings, as outlined in Article 58/b of the CPC, can help protect victims from re-traumatization, particularly in sensitive cases.

Article 102/PC. Victims of sexual violence may face heightened risks of further harm or intimidation. The monitored cases did not provide specific data on protective measures, highlighting an opportunity to strengthen their **consistent application** to ensure victims' safety both during and after legal proceedings.

Article 108 & 108/a/PC. Cases involving obscene acts and sexual harassment often involve power imbalances or coercion. While Article 58/a of the CPC provides for protective measures such as shielding victims from direct confrontation with offenders, ensuring their uniform application can enhance victim protection.

Article 121 & 121/a/PC. Victims of privacy violations and stalking may face ongoing risks, including threats, intimidation, and public humiliation. The monitored cases indicate instances where perpetrators used social media as a tool for harassment. Ensuring that victims receive timely protective measures, such as restraining orders and secure accommodations, can help mitigate these risks.

Article 130/a/PC. Domestic violence victims may face psychological, economic, or digital threats, in addition to physical harm. Article 58 of the CPC and the Law on Measures against Violence in Family Relations outline various protections, such as restraining orders and emergency removal of perpetrators. Strengthening the consistent application of these measures is essential, especially in cases involving online harassment or digital threats.

Forms of trial. Expedited **special trial procedures** can help minimize victims' exposure to potential harm. However, ensuring that victims are not absent against their will is critical to maintaining their protection throughout the judicial process.

Source of evidence. Sensitive materials such as psychological assessments, medical reports, and victim statements should be handled with confidentiality and care to prevent exposure to societal stigma, intimidation, or retaliation.

Penalties for criminal offenses. Severe penalties, such as imprisonment, play a role in protecting victims by removing offenders from their environment. However, in cases where alternative sentences (e.g., probation) are applied, ensuring that proper monitoring mechanisms are in place is crucial to safeguarding victims from potential risks.

Victims' needs. Victims often face ongoing risks of harm, intimidation, or retaliation. The monitored cases suggest that a more systematic approach to victim protection could enhance safety and well-being. The development of clear guidelines or policies on victim protection during judicial processes could help ensure a more consistent **and** effective response.

- **Preventing secondary victimization**

Ensuring that victims are treated with dignity and respect throughout the judicial process is essential to their well-being and access to justice. Secondary victimization can occur when victims experience additional distress due to procedural challenges, lack of trauma-informed approaches, or inadequate support mechanisms. The findings suggest that there are opportunities to further strengthen trauma-sensitive practices and enhance safeguards to minimize re-traumatization at various stages of criminal proceedings.

Article 100/PC. Ensuring that victims are treated with sensitivity and respect throughout the justice process is essential in preventing re-traumatization. In some cases, an emphasis on victims' perceived maturity or willingness to engage in relationships may shift focus away from the impact of the abuse and the vulnerabilities of the victims. A trauma-informed approach helps ensure that judicial proceedings prioritize victims' well-being and recognize the complexities surrounding their experiences. Additionally, inconsistencies in sentencing—where some offenders receive severe punishments while others are acquitted for similar offenses—may contribute to victims' perceptions of injustice. Strengthening the consistent application of legal provisions and adopting trauma-informed judicial practices can help uphold victims' rights and ensure a fair and supportive legal process.

Article 101/PC. Secondary victimization can occur when victims experience additional distress due to their treatment within the judicial process. The monitored cases suggest potential areas where a more trauma-informed approach could help minimize such risks:

- *Consideration of consent declarations:* In some cases, victims' statements about willing participation in a relationship were subject to judicial scrutiny. While this is a necessary part of establishing facts, it is important to ensure that the process does not unintentionally shift attention away from the power dynamics and vulnerabilities involved, as this may contribute to emotional distress for the victim.

- *Influence of familial dynamics:* The involvement of family members in legal proceedings, as observed in one case, may impact victims' autonomy and decision-making, potentially placing them under additional psychological pressure. Ensuring that victims can participate independently and without undue influence is essential in safeguarding their rights and well-being.

Adopting trauma-informed practices and reinforcing victim-centered approaches can help create a more supportive and sensitive judicial environment, minimizing the risk of secondary victimization.

Article 102/PC. Ensuring that the justice process is sensitive to victims' experiences is essential in preventing re-traumatization. The monitored cases indicate that courts issued well-reasoned decisions and acknowledged the violence experienced by victims, reflecting an effort to handle these cases with the seriousness they deserve. To further strengthen trauma-informed practices, minimizing repetitive questioning and ensuring that victims are protected from unnecessary exposure to the accused can help create a more supportive environment. These measures play a key role in reducing emotional distress and ensuring that victims can participate in legal proceedings with dignity and confidence.

Article 108/PC. In cases of obscene acts, the risk of secondary victimization is particularly significant for minors. Courts can minimize distress by limiting repetitive questioning and ensuring proceedings are conducted in a sensitive and child-friendly manner. Article 58/a of the CPC mandates specialized handling of child victims, but the monitored cases do not provide specific details on the consistent application of these safeguards.

Article 108/a/PC. Victims of sexual harassment should be supported throughout the judicial process to avoid re-traumatization. Courts can help ensure a respectful and dignified experience by adopting trauma-informed practices, such as avoiding invasive questioning and fostering a supportive environment for victims to share their experiences.

Article 121 & 121/a/PC. Victims of privacy violations and stalking may experience additional distress due to societal stigma, handling of sensitive data, or judicial scrutiny. Adopting victim-sensitive approaches and ensuring that proceedings are conducted confidentially and with respect can help mitigate these risks. Courts can further support victims by minimizing exposure and unnecessary questioning while ensuring their safety and well-being.

Article 130/a/PC. In domestic violence cases, ensuring that victims are not re-traumatized during legal proceedings is crucial. Courts and law enforcement can incorporate trauma-informed approaches, such as minimizing repetitive questioning, creating safe spaces for testimony, and prioritizing the emotional well-being of victims. In cases involving children, specialized support should be provided to prevent additional psychological distress.

Forms of trial. Special trial procedures, such as summary trials, can help reduce victims' exposure to prolonged proceedings, minimizing stress and emotional strain. However, ensuring that victims fully understand and consent to these procedures is essential. When agreements are not well-managed or when victims are absent without their consent, the process may lead to feelings of helplessness and exclusion. Judicial actors should ensure that trial forms are used appropriately, with victims' rights and dignity at the center of decision-making.

Source of evidence. The collection and presentation of evidence should be handled with care to prevent additional distress. Repeated questioning or the mishandling of psychological assessments can place an undue emotional burden on victims. Clear and consistent procedures for naming and handling evidence can help ensure that victims are not required to repeatedly explain or relive their experiences unnecessarily.

Penalties for criminal offenses. The sentencing process should acknowledge the harm caused to victims and ensure they do not feel dismissed or overlooked. While severe penalties for serious offenses affirm the court's recognition of victims' suffering, alternative sentences should be handled sensitively to avoid perceptions that the severity of the crime has been minimized. Ensuring that compensation and restitution are part of alternative sentencing can help victims feel that justice has been served.

Victims' needs. Providing psychological support and trauma-informed care is essential for victims' recovery. While expert reports are used to assist investigations, they do not always translate into direct support for victims. Strengthening access to immediate and long-term assistance can help victims navigate the emotional impact of their experiences and facilitate healing.

Cost of criminal proceedings. The financial burden associated with legal proceedings can place additional stress on victims. The absence of mechanisms to record, monitor, and reimburse victims' expenses may contribute to financial strain and feelings of marginalization. Establishing clear procedures for financial support and reimbursement can help alleviate this burden and ensure that victims are not left to bear the financial consequences of their victimization.

- ***The right to privacy***

The right to privacy is a fundamental aspect of victims' rights, particularly in cases involving sensitive crimes such as sexual violence, stalking, domestic abuse, and privacy violations. Safeguarding this right helps protect victims from public exposure, societal stigma, and potential harm, creating a secure environment that encourages their active participation in the judicial process. The analysis highlights areas where privacy protections could be strengthened, underscoring the importance of consistent enforcement of safeguards to protect victims' identities and personal information. Implementing robust measures to ensure confidentiality can enhance victims' confidence in the justice system and help them seek legal recourse without fear of further distress.

Article 100/PC. The right to privacy is particularly important in cases involving minors and sensitive crimes, as it helps protect victims from public exposure and societal stigma. While the analysis does not provide explicit details on how privacy was maintained in these cases, the societal pressures and familial influence observed in intra-familial abuse cases suggest that privacy protections may need to be further reinforced. Ensuring closed-door proceedings, safeguarding victims' identities, and restricting access to sensitive information are key measures to uphold this right. The implementation of privacy protections in other monitored offenses also presents areas for improvement. The absence of detailed information on whether privacy measures, such as closed-door hearings or confidentiality safeguards, were applied during sentencing proceedings highlights an opportunity to strengthen consistent enforcement of these protections. Courts should ensure that sentencing decisions, particularly in cases involving alternative penalties, do not inadvertently expose victims to public scrutiny or potential harm.

- **The right to assistance and support**

Access to assistance and support is essential for victims of criminal offenses to recover from the physical, emotional, and social consequences of their experiences. Albanian legislation, including Article 58 of the Criminal Procedure Code (CPC), the Law on Social Services, and other related laws, establishes victims' rights to legal aid, psychological counseling, and social support. The monitored cases indicate that 50 minor victims received assistance during criminal proceedings, supported by a psychologist or a representative from the NJMF, along with a parent. In cases where the parent was the perpetrator, another family member provided support. While these measures help ensure that child victims receive the necessary guidance and protection, some systemic gaps remain in ensuring comprehensive and consistent implementation of these provisions. As a result, some victims may lack access to essential resources and services. Additionally, an open discussion may be beneficial to consider whether, in cases where a minor victim is absent from proceedings, they should be represented by a legal or social representative in addition to the state prosecutor or prosecuting authority. Exploring this possibility could further strengthen the protection and advocacy of minors in the judicial process.

Article 100/PC. Victims of sexual offenses, particularly minors, require immediate and sustained access to medical, psychological, and social support services to aid their recovery and well-being. The monitoring indicates that six minor victims were referred to NGOs for assistance, demonstrating efforts to provide support. However, the absence of comprehensive measures or detailed data on the broader provision of such services suggests that some victims may not receive the full range of necessary support. Ensuring consistent access to counseling, trauma recovery programs, and reintegration services is essential in helping victims navigate the aftermath of their experiences. Strengthening these support systems and integrating them as a core component of the justice process would contribute to a more victim-centered approach, prioritizing both legal redress and rehabilitation.

Article 101/PC. Victims of sexual offenses require comprehensive support services to address their physical, psychological, and social needs. The monitored cases do not provide details on whether victims had access to these essential forms of support, highlighting an opportunity to strengthen victim assistance measures:

- *Psychological counseling:* Victims, particularly minors, may experience significant trauma following sexual offenses. Access to counseling and therapy is crucial in helping them process their experiences and support their recovery.
- *Legal aid:* Article 58 of the CPC entitles victims to legal representation, including free legal aid for those facing financial hardship. The absence of information on whether this support was provided suggests that ensuring consistent access to legal assistance could further empower victims to navigate the judicial process effectively.

Enhancing structured and accessible victim support services can help ensure that all victims receive the assistance they need, both within and beyond the judicial process.

Article 102/PC. Victims of sexual violence require immediate and sustained access to psychological, medical, and legal support to help them recover and navigate the justice process. The monitored cases generally do not provide details on whether victims received these essential services, indicating an area

where further efforts may be needed. However, one case was referred to the Vatra Center for assistance, demonstrating the role of specialized support organizations in providing victim care.

Under Albanian law, victims are entitled to support through the frameworks established by the Law on Social Services, related laws and bylaws, and Article 58 of the CPC. Ensuring that all victims have consistent access to these services is fundamental to addressing the impact of the crime and promoting their well-being and recovery. Strengthening coordination among judicial institutions, support services, and civil society organizations can help enhance victim-centered responses across the system.

Article 108/PC. Victims of obscene acts may experience significant emotional and psychological distress, highlighting the importance of access to counseling, medical care, and social support. Albanian law, including Article 58 of the CPC, the Law on Social Services, and other related laws and bylaws, guarantees victims' right to these services. However, the monitored cases do not provide details on whether victims received such assistance, suggesting an opportunity to further strengthen the implementation of support mechanisms. Ensuring consistent access to psychological and social services can help victims cope with trauma and facilitate recovery.

Article 108/a/PC. Victims of sexual harassment may also face psychological and emotional distress, making counseling and support services an essential part of their recovery. The monitored cases do not indicate whether victims received such assistance, suggesting that further attention to the provision of these resources may be needed. Strengthening victim support programs and ensuring that all individuals affected by sexual harassment have access to the necessary services can contribute to a more responsive and supportive justice system.

Article 121/a/PC. Victims of stalking often experience significant emotional distress, making psychological counseling, legal aid, and social support essential components of their recovery. The monitored cases do not provide details on whether victims received such assistance, highlighting an opportunity to increase the visibility and accessibility of support services. Strengthening the provision of assistance under the Law on Social Services and other related laws and bylaws can help ensure that victims receive comprehensive and timely support. Enhancing awareness, access, and coordination among relevant institutions would further contribute to a more responsive and victim-centered approach in addressing stalking-related cases.

Article 130/a/PC. Victims of domestic violence may experience physical harm, emotional distress, and economic instability, making comprehensive support services essential for their recovery and protection. Albanian law, including Article 58 of the CPC, the Law on Social Services, and other related laws and bylaws, guarantees victims access to legal aid, psychological counseling, and social support. However, ensuring consistent and easily accessible support mechanisms, particularly for children who witness violence, remains a key area for improvement. Strengthening service delivery and resource allocation under Law No. 9669, dated 18.12.2006, "On Measures against Violence in Family Relations", and Law No. 111/2017, "On State Guaranteed Legal Aid", can help provide more effective assistance and protection for victims. Enhancing coordination between judicial institutions, social services, and support organizations would further contribute to a more comprehensive and victim-centered response.

Penalties for criminal offenses. Victims, particularly those involved in cases where alternative penalties are imposed, may require ongoing support to help them cope with the outcomes of sentencing. The monitored cases do not provide details on whether victims received psychological counseling, legal aid,

or other forms of assistance to address the impact of the offenses or sentencing decisions. Additionally, the lack of compensation or restitution mechanisms may further limit the available support, highlighting an opportunity to strengthen victim-centered approaches in post-sentencing processes.

Victims needs. Access to support services remains a critical need for victims. In the monitored cases, only one victim received rehabilitation services, and there were no recorded decisions reflecting measures to address victims' immediate needs after a crime. Strengthening structured assistance programs could help ensure that victims receive the necessary resources and support to manage the physical, psychological, and social consequences of their experiences.

Cost of criminal proceedings. Victims often face financial burdens related to legal fees, psychological assessments, and other necessary services throughout the judicial process. However, the monitored cases do not indicate systematic provisions for financial support. Establishing clear reimbursement mechanisms or financial aid programs could help alleviate these challenges, ensuring that victims have the resources needed to navigate the legal system effectively.

- ***The right to seek compensation and restitution***

The right to compensation and restitution is essential in addressing the financial, emotional, and psychological harm caused by criminal offenses. This right is recognized in international frameworks, including Article 16 of the EU Directive, as well as Albanian law, which affirms victims' entitlement to restitution for the harm they have suffered. However, the findings from the monitored cases suggest challenges in the consistent implementation of this right. Strengthening mechanisms for compensation and restitution could help ensure that victims receive adequate recognition of their losses and the necessary resources to rebuild their lives. Enhancing awareness, accessibility, and enforcement of compensation measures would contribute to a more victim-centered justice system.

Article 100/PC. The right to compensation and restitution is essential in addressing the financial, emotional, and psychological impact of criminal offenses. The monitored cases do not provide details on whether victims pursued or received compensation, suggesting an opportunity to enhance awareness and access to this right. Strengthening mechanisms for restitution, including state-administered compensation schemes, can help ensure that victims receive the necessary support for their recovery while also providing them with a tangible sense of justice. Improving information, accessibility, and enforcement of compensation measures would further contribute to a more comprehensive victim support system.

Article 101/PC. Victims have the right to seek compensation for the harm they have suffered. The monitored cases do not indicate whether victims pursued or received compensation, suggesting an opportunity to strengthen awareness and application of this right in judicial proceedings. Courts and prosecutors can play a key role in informing victims of their entitlement to restitution and facilitating compensation claims where applicable, ensuring that victims receive the support and recognition they need for recovery.

Article 121/PC. Victims of privacy violations may experience significant emotional and psychological distress, making access to counseling and support services essential. The monitored cases do not provide details on whether such assistance was offered, highlighting an opportunity to enhance the availability and visibility of support services under the Law on Social Services. Strengthening access to these resources can help victims cope with the impact of these offenses and navigate the legal process more effectively.

Source of evidence: The collection and interpretation of evidence, such as psychological and medical reports, often require specialized expertise. Victims may benefit from counseling and legal support to better understand and engage with the evidentiary process. Ensuring that victims receive guidance and assistance throughout this stage—particularly in cases involving complex or technical evidence—can help address their needs and facilitate recovery.

Victims needs. Compensation for victims appears to be infrequently pursued or awarded. In the monitored cases, only one victim sought compensation, which was processed separately in a civil proceeding, making the process more complex and delaying reparations. Additionally, no cases applied restorative justice measures, such as using confiscated assets from perpetrators to benefit victims. Strengthening compensation and restitution mechanisms would help ensure that victims receive recognition for their losses and the financial support needed to rebuild their lives.

Cost of criminal proceedings. Article 16 of the EU Directive allows victims to seek compensation from perpetrators through a criminal proceeding. However, in the monitored cases, only one victim filed for compensation, which was processed separately as a civil lawsuit. Integrating compensation claims into criminal proceedings more effectively could help simplify the process and improve victims' ability to recover costs and damages. Additionally, the lack of recorded expenses in most cases creates procedural challenges that may undermine compensation claims. Without documented evidence of financial losses, courts may face difficulties in assessing and awarding restitution, potentially leaving victims without adequate redress. Enhancing record-keeping practices and ensuring clear mechanisms for financial documentation could help strengthen victims' access to compensation and reimbursement.

- ***The right to rehabilitation***

Rehabilitation plays a crucial role in victim-centered justice, helping individuals recover from the long-term impacts of crime by providing access to psychological counseling, vocational training, medical care, and social reintegration. These services are essential in empowering victims and supporting their ability to rebuild their lives. The monitored cases indicate that seven victims—six minors and one adult—were placed in rehabilitation centers, primarily within NGOs. The Vatra Center was specifically mentioned, while other cases referenced placements in Tirana, Shkodra, Lezha, and Elbasan. However, documentation on referred services remains limited, suggesting that systematic efforts to ensure comprehensive rehabilitation for all victims could be further strengthened. Enhancing coordination between institutions, expanding service availability, and improving documentation of rehabilitation efforts could help ensure that all victims receive the necessary support for their long-term recovery and reintegration into society.

Article 100/PC. Rehabilitation plays a vital role in long-term recovery and reintegration, addressing the broader impacts of crime on victims' lives. The analysis highlights a lack of measures or data on victim rehabilitation in the monitored cases, suggesting an opportunity to strengthen support systems for victims. Ensuring access to counseling, education, vocational training, and social reintegration programs is essential in helping victims rebuild their lives and regain stability. Strengthening comprehensive rehabilitation programs can also contribute to reducing the risk of re-victimization and fostering a more supportive justice system.

Article 101/PC. Rehabilitation involves long-term measures aimed at supporting victims' recovery and reintegration into society. The monitored cases do not provide details on whether specific rehabilitation

efforts were undertaken, highlighting an opportunity to strengthen victim support services in the following areas:

- *Counseling and reintegration services:* Access to psychological support, educational opportunities, and vocational training is essential in helping victims regain stability and rebuild their lives.
- *Systematic rehabilitation efforts:* The lack of documented rehabilitation measures suggests a need for enhanced coordination and prioritization of victims' long-term recovery needs, ensuring they receive continuous support and protection.

Expanding structured rehabilitation programs and integrating them into the justice system can contribute to a more comprehensive and victim-centered approach, helping prevent further harm and promoting successful reintegration.

Article 102/PC. Rehabilitation is essential for long-term recovery, providing victims with access to counseling, vocational training, and social reintegration programs. The monitored cases do not provide details on whether such rehabilitation measures were offered, highlighting an opportunity to enhance support systems for victims. Developing systematic and accessible rehabilitation programs can play a crucial role in helping victims rebuild their lives after experiencing violence. Strengthening coordinated efforts between institutions and service providers can further ensure that victims receive the comprehensive care and assistance they need for recovery and reintegration.

Article 108/PC. Rehabilitation plays a crucial role in helping victims recover from the trauma of obscene acts, providing access to psychological counseling, educational support, and reintegration programs. The monitored cases do not indicate whether such rehabilitation measures were offered, suggesting an opportunity to strengthen long-term recovery efforts for victims. Enhancing structured support systems can help ensure that victims receive the assistance they need to rebuild their lives.

Article 108/a/PC. Access to rehabilitation services, including counseling, vocational training, and reintegration programs, is essential for victims recovering from the trauma of sexual harassment. The absence of information on rehabilitation efforts in the monitored cases highlights the need for systematic programs that address victims' long-term recovery and well-being. Strengthening these services can help empower victims and support their path toward healing and reintegration.

Article 121/PC. Rehabilitation for victims of privacy violations is essential in supporting their emotional recovery and reintegration, including access to psychological counseling, legal aid, and reintegration support. The monitored cases do not provide information on whether such rehabilitation measures were implemented, indicating an opportunity to strengthen long-term recovery efforts. Additionally, court decisions suggest that victims may face prolonged timelines in the legal process, which can delay access to necessary support. Establishing structured programs that provide timely and consistent assistance can help promote healing, resilience, and the restoration of victims' quality of life..

Article 121/a/PC. For stalking victims, rehabilitation plays a key role in helping them regain a sense of normalcy and security. This includes access to counseling, legal support, and reintegration programs tailored to their needs. The monitored cases do not provide details on whether such rehabilitation efforts were available, highlighting the need for systematic initiatives that ensure victims receive comprehensive and ongoing support. Strengthening these programs can empower victims and facilitate their recovery and reintegration into society.

Article 130/a/PC. Rehabilitation plays a vital role in helping victims of domestic violence recover from the effects of abuse and successfully reintegrate into society. Effective rehabilitation measures include counseling, vocational training, housing support, and long-term psychological care. The lack of structured rehabilitation programs, particularly for victims experiencing compounded harm through digital harassment, highlights an opportunity to strengthen support systems and ensure victims receive comprehensive assistance tailored to their needs.

Forms of trial. Rehabilitation is an essential component of victim recovery, particularly in cases resolved through summary trials, where the focus may be on efficiency rather than long-term recovery. The monitored cases do not indicate whether rehabilitation measures, such as counseling or vocational training, were provided to victims. Expanding systematic rehabilitation programs can help ensure that victims receive ongoing support beyond the judicial outcome, fostering long-term stability and well-being.

Source of evidence: Rehabilitation efforts can be informed by evidence, such as psychological assessments, child protection reports, and medical evaluations, to create personalized recovery programs. However, the monitored cases do not provide details on structured rehabilitation measures, highlighting an opportunity to enhance the use of evidence in designing effective support programs. Strengthening this approach can improve rehabilitation outcomes and help victims rebuild their lives with greater support.

Penalties for criminal offenses. Rehabilitation for victims is often not explicitly addressed in sentencing discussions, yet it is crucial for their recovery and reintegration. While penalties such as imprisonment focus on offender accountability, the absence of structured rehabilitation programs for victims—particularly in cases of severe harm or alternative sentencing—suggests an area for improvement. For example, victims involved in cases where probation or public interest work is issued as a penalty may benefit from additional counseling or emotional support to address lingering trauma and concerns.

Victims needs. Access to rehabilitation services, including psychological counseling, medical care, and vocational support, is essential for victims' long-term recovery. However, the monitored cases do not provide evidence of structured rehabilitation programs or dedicated victim support. Strengthening comprehensive rehabilitation services would ensure that victims receive the assistance needed to heal, regain independence, and reintegrate into society.

Gaps and Challenges

The monitoring of judicial processes in Albania has identified several systemic gaps and challenges that impact the protection and realization of victims' rights. These challenges can affect victims' confidence in the justice system and create barriers to seeking justice, recovering from harm, and reintegrating into society. Addressing these gaps presents an opportunity to strengthen victim-centered justice and ensure that victims receive the necessary support, protection, and recognition throughout the legal process. Below is a detailed analysis of these challenges, linked to specific victims' rights, based on the monitoring findings.

- **The right to access justice**

Victims' access to justice can be hindered by various barriers, affecting their ability to participate meaningfully in the judicial process. The practice of excluding victims from trials to avoid contact with perpetrators is often treated as a procedural necessity rather than a protective measure aimed at empowering victims. While ensuring victims' safety is critical, it is equally important to provide them with options for safe participation, such as remote testimony or protected court settings. Additionally, the reliance on victims signing a generic letter of rights without ensuring its practical implementation limits their ability to fully understand and exercise their legal rights. A lack of proactive measures further limits victims' engagement in trials. Many victims are not consistently informed about their legal options, and access to legal aid remains limited. Some victims may hesitate to file complaints due to fear of retaliation, social stigma, or concerns about personal safety. .

- **The right to participate in criminal proceedings**

A meaningful role in criminal proceedings is essential for ensuring that victims' voices, experiences, and rights are fully recognized. However, in many cases, victims in Albania are treated as passive participants, engaged only when necessary rather than as key stakeholders in the judicial process. In some instances, victims are excluded from proceedings altogether, with their absence considered a procedural formality rather than a decision based on their needs or preferences. For vulnerable groups, such as victims of sexual violence, participation can be particularly challenging due to the lack of tailored protocols that facilitate their safe and meaningful engagement. The absence of private hearings, trauma-informed practices, and specialized accommodations can make it difficult for victims to effectively participate and seek justice without fear or distress.

- **The right to information**

Access to clear and timely information is essential for victims to understand their rights and actively participate in the judicial process. While victims are provided with a letter of rights, it is often treated as a formality, with limited efforts to ensure that they fully comprehend its contents or the implications for their case. As a result, many victims may not be aware of their active role, the claims they can make, or the protections available to them. Additionally, the lack of consistent and accessible communication about case progress can leave victims feeling disconnected from the judicial process. Key developments—such as trial dates, procedural updates, and case outcomes—are not always clearly communicated, making it difficult for victims to stay informed and engaged.

- **The right to protection**

Ensuring victims' safety and well-being throughout the judicial process is a fundamental aspect of victim-centered justice. However, protective measures to prevent contact between victims and perpetrators—such as private waiting areas, remote participation options, or secure testimony arrangements—are not consistently applied. This lack of standardized protocols can leave victims, particularly those in sensitive cases involving sexual violence or cybercrimes, vulnerable to intimidation, distress, and further harm. Vulnerable groups, including victims of trafficking or terrorism, often require specialized protective measures to safeguard their physical and emotional well-being. However, these measures are not always systematically implemented, and there is no proactive approach to identifying and addressing individual protection needs.

- **Preventing secondary victimization**

A victim-centered judicial process should minimize additional emotional harm and ensure that victims are treated with sensitivity and respect. However, the absence of trauma-informed practices can unintentionally exacerbate victims' distress. Many victims participate in investigations and hearings without adequate support or accommodations, leaving them vulnerable to emotional harm and re-traumatization. For instance, questioning techniques may not always be adapted to victims' experiences, leading to repetitive or insensitive inquiries that prolong distress and erode confidence in the justice system. Additionally, prolonged trials and delays can extend victims' involvement in the judicial process, increasing stress, frustration, and feelings of powerlessness—especially when justice appears delayed or inaccessible.

- **The right to privacy**

Ensuring victims' privacy is a critical aspect of victim-centered justice, particularly in cases involving sensitive crimes such as sexual violence or cybercrimes. However, privacy protections within the judicial process remain inconsistent, with limited mechanisms to ensure confidentiality, such as private hearings, restricted public access to court records, or identity protection measures. As a result, some victims may face public scrutiny, stigma, or potential retaliation, discouraging them from engaging with the justice system. The absence of robust privacy safeguards is particularly concerning for vulnerable groups, including minors and victims of sexual violence. The disclosure of personal details or identities can lead to significant social and emotional consequences, creating additional barriers to seeking justice.

- **The right to assistance and support**

Comprehensive support services are essential for victims to cope with the financial, emotional, and psychological impact of crime. However, the lack of structured assistance programs remains a significant gap in the judicial system, leaving many victims to bear the costs of their victimization alone, without formal recognition or aid. For example, victims who change phone numbers, close social media accounts, or take protective measures to avoid harm incur material damages that are neither acknowledged nor compensated. Additionally, psychological counseling, legal aid, and financial assistance are often limited or unavailable, making it difficult for victims to recover and fully engage in the judicial process.

- **The right to rehabilitation**

Rehabilitation is a crucial component of a victim-centered justice system, addressing the physical, emotional, and social consequences of victimization. However, structured rehabilitation programs remain largely absent, with the judicial process primarily focused on punishing perpetrators rather than supporting victims' recovery. As a result, many victims are left without the necessary resources to heal, reintegrate into society, and regain stability. For vulnerable groups, such as minors and victims of severe violence, the lack of tailored rehabilitation services presents additional challenges. These victims often require specialized psychological, medical, and social support to address long-term trauma and reintegration needs, yet such services are not consistently available.

- **The right to seek compensation and restitution**

Compensation and restitution are essential for helping victims recover from the financial, emotional, and psychological impact of crime. However, these rights are rarely pursued or awarded, and victims are not consistently informed or encouraged to seek compensation. Additionally, the judicial system does not systematically integrate compensation claims into criminal proceedings, requiring victims to navigate

complex civil lawsuits to obtain financial redress. The lack of recorded victim expenses during legal proceedings further complicates the compensation process. Without accurate documentation of financial losses, it becomes difficult to justify and process claims, leaving victims without the financial support necessary for their recovery.

Conclusion

The monitoring findings reveal systemic gaps and challenges in the protection and realization of victims' rights in Albania. Addressing these issues requires comprehensive reforms that strengthen victim participation, legal protections, and support mechanisms to ensure a justice system that upholds victims' rights, dignity, and safety.

The right to access justice: Victims continue to face barriers such as procedural inconsistencies and inadequate support mechanisms. Ensuring timely and effective judicial responses, prioritizing victim participation, and strengthening legal protections are essential for creating a justice system that is accessible and equitable for all victims.

The right to participate in criminal proceedings: While Albania's legal framework supports victim participation, gaps in implementation prevent victims from fully engaging in the judicial process. Strengthening procedural safeguards, improving victim support systems, and addressing socio-economic barriers are critical to ensuring that victims' voices are heard and their rights upheld.

The right to information: Clear and timely information is crucial for empowering victims and ensuring meaningful engagement in legal proceedings. Addressing gaps requires stronger communication mechanisms, targeted support for vulnerable groups, and consistent application of legal provisions.

The right to legal representation: Limited access to legal representation remains a major barrier, leaving many victims without the necessary support to assert their rights. Expanding legal aid programs, ensuring quality legal assistance, and raising awareness about legal rights are necessary steps toward ensuring fair representation for all victims.

The right to fair treatment: Summary trials and agreements can improve judicial efficiency, but they must be balanced with fairness and victim participation. Ensuring that victims are informed and involved in these processes is crucial to upholding the principles of justice.

The right to protection: While Albania's legal framework includes protective measures, their inconsistent application leaves victims vulnerable to harm, intimidation, and retaliation. Establishing standardized and proactive safety measures is essential to creating a secure and supportive environment for victims.

Preventing secondary victimization: Victims often face re-traumatization due to insensitive questioning, procedural inefficiencies, and inadequate psychological and financial support. Strengthening trauma-informed practices, protective measures, and holistic victim services is necessary to ensure that victims are treated with dignity and respect.

The right to privacy: Confidentiality protections are inconsistently applied, leaving victims vulnerable to public exposure, stigma, and further harm. Strengthening privacy safeguards—particularly in sensitive cases— will help build victims' trust in the justice system and protect their dignity.

The **right to assistance and support**: Despite legal provisions, structured victim support services are rarely implemented. Allocating resources for legal aid, psychological counseling, and social services is essential to ensuring victims receive the care they need to recover and rebuild their lives.

The **right to seek compensation and restitution**: Victims are not adequately informed or supported in seeking financial reparations. Strengthening mechanisms for restitution, integrating compensation claims into criminal proceedings, and implementing state-administered compensation schemes will help ensure that victims receive the acknowledgment and resources necessary for recovery.

The **right to rehabilitation**: Rehabilitation remains an overlooked aspect of victim-centered justice. The absence of structured psychological counseling, vocational training, and reintegration support leaves victims without the resources needed to recover from the harm they endured. Prioritizing rehabilitation programs and long-term support services is essential to helping victims regain stability and agency.

Recommendations

To address the systemic gaps and challenges identified in the protection and realization of victims' rights in Albania, comprehensive and targeted recommendations are needed. These measures aim to align national practices with international standards, particularly the **EU Victims' Rights Directive**, while creating a victim-centered justice system that prioritizes victims' rights, safety, and recovery.

1. Strengthening access to justice

Victims must have meaningful access to justice through simplified and inclusive processes:

- **Simplify reporting mechanisms**: Establish user-friendly reporting systems, including online platforms, hotlines, and accessible local offices, to encourage victims to report crimes. Special attention should be given to ensuring accessibility for minors, individuals with disabilities, and marginalized communities.
- **Guarantee legal representation**: Provide free legal aid to all victims, particularly those from disadvantaged backgrounds, ensuring access to skilled legal counsel throughout the judicial process.
- **Empower victims in proceedings**: Develop protocols to facilitate victims' active participation in judicial processes, allowing them to present evidence, make statements, and express their needs effectively.
- **Monitor judicial practices**: Conduct regular reviews of judicial processes to identify barriers to access and implement evidence-based improvements.

2. Enhancing victim participation

Victims must be treated as integral participants in criminal proceedings, with robust mechanisms to support their involvement:

- **Establish clear protocols**: Introduce guidelines ensuring that victims are informed, supported, and empowered to actively participate in court proceedings. This includes tailored accommodations for vulnerable groups, such as minors and victims of sexual violence.

- **Facilitate safe testimonies:** Ensure victims have the option to testify remotely, in private rooms, or via video links to avoid contact with perpetrators and minimize distress.
- **Support vulnerable victims:** Implement specialized measures for victims of sensitive crimes, ensuring their involvement does not compromise their emotional well-being or safety.

3. Improving victim information systems

Accessible and clear communication is essential for victims to exercise their rights:

- **Develop centralized platforms:** Create multilingual online platforms where victims can access information about their rights, the progress of their cases, and available support services.
- **Ensure consistent communication:** Require judicial actors to actively update victims on case developments, procedural steps, and their legal options using simplified, jargon-free language.
- **Promote legal awareness:** Distribute user-friendly guides and materials that outline victims' rights and the judicial process in accessible formats.

4. Strengthening protection measures

Comprehensive protective measures are vital to ensure victims' safety and dignity throughout judicial processes:

- **Adopt tailored protocols:** Develop specialized protection protocols for vulnerable victims, including victims of trafficking, sexual violence, and terrorism. These should cover secure transportation, private waiting areas, and trauma-informed psychological support.
- **Prevent perpetrator contact:** Implement physical and logistical measures to prevent victims from encountering perpetrators, such as staggered schedules and separate entrances.
- **Ensure accountability:** Strengthen the enforcement of existing protection laws and establish mechanisms to monitor compliance by judicial and law enforcement agencies.

5. Preventing secondary victimization

The judicial process must prioritize victims' psychological well-being to avoid re-traumatization:

- **Implement trauma-informed practices:** Train judicial actors, including police, prosecutors, and judges, in trauma-sensitive approaches to minimize emotional harm during proceedings.
- **Simplify court processes:** Reduce procedural burdens by minimizing unnecessary appearances and streamlining court requirements.
- **Expedite judicial timelines:** Address delays and inefficiencies in the judicial system to reduce victims' exposure to prolonged stress and uncertainty.

6. Ensuring privacy protections

Victims' right to privacy must be upheld to safeguard their dignity and security:

- **Introduce confidentiality guidelines:** Develop and enforce robust confidentiality protocols during investigations, trials, and post-conviction stages.

- **Anonymize records:** Use techniques such as anonymization in court documents to protect victims' identities and personal details.
- **Restrict media access:** Limit media coverage of sensitive cases involving minors or sexual offenses to prevent public exposure and stigmatization.

7. Expanding assistance and support services

Victims require comprehensive support to navigate the judicial process and recover from harm:

- **Establish national networks:** Develop a network of public and private services offering psychological counseling, financial aid, and legal assistance.
- **Ensure immediate assistance:** Provide timely crisis intervention services, including emergency housing and counseling, immediately after victims report crimes.
- **Raise awareness:** Launch campaigns to inform victims about available support services and how to access them effectively.

8. Prioritizing rehabilitation

Rehabilitation should address victims' long-term recovery and reintegration into society:

- **Create rehabilitation programs:** Develop structured programs that offer counseling, vocational training, education, and social reintegration tailored to victims' needs.
- **Focus on vulnerable groups:** Implement specialized services for children, victims of severe violence, and high-risk individuals to address their unique challenges.
- **Integrate rehabilitation into sentencing:** Include provisions in sentencing that require offenders to contribute to victims' rehabilitation costs where applicable.

9. Ensuring compensation and restitution

Compensation and restitution must be integral to judicial outcomes:

- **Facilitate compensation claims:** Integrate compensation claims into criminal trials to streamline the process and reduce victims' burden.
- **Record victim expenses:** Mandate systematic documentation of expenses incurred by victims to enable accurate restitution.
- **Establish state compensation funds:** Create a state-administered fund to provide financial relief to victims when perpetrators are unable to pay.

10. Aligning legislation with international standards

Reforms must align Albanian legislation with EU directives and international instruments:

- **Update legal frameworks:** Amend laws to incorporate provisions of the EU Victims' Rights Directive and other international standards.
- **Develop implementation plans:** Create action plans with clear timelines and measurable outcomes to ensure compliance with international standards.

- **Engage stakeholders:** Collaborate with civil society, advocacy groups, and international organizations to drive reforms and share best practices.

11. Enhancing training and public awareness

Professional and public awareness of victims' rights must be strengthened:

- **Mandatory training:** Provide continuous training for judicial actors on victims' rights, trauma-informed practices, and sensitivity to marginalized groups.
- **Educate the public:** Conduct nationwide awareness campaigns to educate the public about victims' rights and the support systems available.
- **Promote international models:** Share examples of successful victim-centered practices from other jurisdictions to guide local reforms.

12. Streamlining judicial processes

Judicial efficiency is essential to ensure timely justice for victims:

- **Improve scheduling:** Prioritize prompt scheduling of court hearings and ensure readiness of all parties.
- **Reduce procedural complexity:** Simplify legal processes to make them more accessible, particularly for vulnerable groups.
- **Monitor and evaluate:** Implement systems to track judicial efficiency and address delays or procedural bottlenecks proactively.

Practical steps for stakeholders

Judicial authorities

Judicial actors, including judges, prosecutors, and law enforcement officials, are key in ensuring victims' rights are upheld during the judicial process. Their efforts should focus on creating a safe, respectful, and accessible justice system for all victims.

1. Implement trauma-informed practices:

- Provide mandatory training for judicial actors on recognizing and addressing trauma in victims. This includes understanding the psychological impact of crimes such as domestic violence, sexual harassment, and stalking.
- Establish protocols for questioning victims sensitively, avoiding retraumatization by minimizing repetitive or invasive questioning.

2. Issue timely protection orders:

- Expedite the issuance of restraining orders or emergency protection measures to ensure victims' safety. This is particularly critical in cases involving domestic violence or threats of retaliation.

- Monitor compliance with protection orders to ensure they are effectively enforced and address any breaches immediately.

3. Leverage technology for remote participation:

- Equip courts with video conferencing tools to enable victims to provide testimony remotely. This minimizes the risk of secondary victimization, especially in cases where victims fear facing the perpetrator.
- Use technology to facilitate secure and confidential communication between victims and judicial actors, such as private virtual consultations or updates on case progress.

4. Enhance transparency and communication:

- Maintain regular communication with victims to keep them informed of case developments, hearing schedules, and legal options. Assign case managers to serve as liaisons between victims and the court.
- Document and communicate judicial decisions in a manner that is accessible and understandable to victims.

Policymakers and legislators

Legislators and policymakers play a crucial role in creating a robust legal framework that ensures victims' rights are not only protected but actively enforced.

1. Strengthen legal frameworks:

- Amend existing laws to explicitly guarantee the full spectrum of victims' rights, including the right to information, protection, participation, and compensation.
- Introduce legal provisions mandating reparations for victims, with clear guidelines for enforcement and monitoring.

2. Establish monitoring mechanisms:

- Create independent oversight bodies to evaluate the implementation of victims' rights across judicial and law enforcement processes. These bodies should regularly publish reports to ensure accountability.
- Develop performance indicators for judicial authorities to assess their adherence to victim-centered practices, such as timely case resolution and the provision of legal aid.

3. Allocate resources for victim-centered measures:

- Ensure sufficient funding for legal aid programs, victim support services, and rehabilitation initiatives. This includes investing in infrastructure such as safe houses, counseling centers, and online reporting platforms.
- Promote public-private partnerships to expand resources for victims, particularly in rural and underserved areas.

4. Promote legislative alignment with international standards:

- Expedite the alignment of national laws with international instruments, such as the EU Victims' Rights Directive and the Istanbul Convention, to enhance the protection and support available to victims.
- Engage with international organizations and stakeholders to adapt best practices and incorporate innovative approaches into national legislation.

Civil society and legal aid providers

Civil society organizations (CSOs) and legal aid providers are indispensable in bridging the gap between victims and the justice system. They provide essential services, advocacy, and education that empower victims and hold institutions accountable.

1. Expand legal aid services:

- Increase the availability of free legal aid, particularly in rural areas and for marginalized groups such as women, minors, and ethnic minorities. Develop mobile legal aid units to reach victims in remote locations.
- Train legal aid providers on trauma-informed approaches and the specific needs of victims, ensuring high-quality representation and advocacy.

2. Conduct outreach and awareness programs:

- Organize community-based workshops and information sessions to educate victims about their rights, the judicial process, and available support services.
- Develop multilingual, user-friendly materials, such as brochures and videos, that simplify legal jargon and explain how victims can access justice and support.

3. Collaborate for systemic reforms:

- Partner with government institutions to advocate for reforms in judicial practices and policies, ensuring a victim-centered approach in all processes.
- Work with media and advocacy groups to highlight systemic gaps, raise public awareness, and foster a culture of accountability and support for victims.

4. Provide holistic support services:

- Establish multidisciplinary support centers that offer legal assistance, psychological counseling, medical care, and vocational training under one roof.
- Create peer support networks and survivor-led initiatives to foster community-based resilience and recovery.

5. Monitor and advocate for policy implementation:

- Act as watchdogs to ensure that laws and policies designed to protect victims are effectively implemented and enforced. Conduct independent audits and share findings with the public and policymakers.
- Advocate for increased funding and resources to sustain and expand victim support programs.

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