



Cooperation at the National and International Level in the Protection of Victims

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Received: 16 September 2023 / Accepted: 21 October 2023 / Published: 23 November 2023
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Doi: 10.56345/ijrdv10n307

Abstract

The respect for the victims' rights, the guarantee of their rights, and the participation of the victims in the criminal process have faced positive developments, especially after the justice reform. The changes in the legal acts carried out in 2017 sanctioned a number of rights for the victims of criminal offenses, previously unknown. The paper aims to address the rights of victims of criminal offenses from the perspective of national legislation and international standards, focusing on victims with special needs such as women, children, victims of trafficking, possible victims of trafficking, victims of sexual abuse, victims of domestic violence, etc. The paper aims to address the role of national and international institutions in protecting the rights of victims, cooperation, and coordination of work between them. The treatment of victims' rights in the criminal process is also analyzed from the perspective of international practice. Following this paper, there will be a wider treatment of national and international legal acts that sanction the rights of victims in criminal processes, their protection mechanisms, and inter-institutional cooperation at the national or international level in order to guarantee these rights.

Keywords: access, cooperation, protection, process, victim

1. Introduction

Victims are a special category of subjects whose protection and guarantee of rights requires taking a series of necessary measures by the States, including intervention in internal legislation, increasing cooperation at the national, regional, and international levels, and establishment of structures and relevant mechanisms for their protection.

In order to protect the rights of the victims and guarantee their participation in the criminal processes, they are sanctioned in a series of national and international acts which charge the States with the obligation to implement them.

Among the main rights of victims, we can mention: the right to information, the right to participate in criminal proceedings, the right to be heard during the criminal proceedings, the right to preserve privacy, the right to legal aid, health assistance, assistance psychological, the right to appeal, the right to request compensation for damage.

In this framework, the State must not only guarantee the victim the rights sanctioned in the legal and by-laws in force but also through its structures to help the victim towards reintegration, avoiding in any case secondary victimization or re-victimization.

A special focus will be given to the position of the victims in the criminal procedural legislation in Albania, dealing

with the differences in more detail as part of the constituent acts within the framework of the Justice Reform.

The necessity of the cooperation of state institutions at the national and international level in the protection of victims. A special emphasis will be given to the role of state institutions in the protection of victims, including the state police, the prosecution, the courts, the Ministry of Justice, and the Ministry of Internal Affairs. The role of international organizations and the protection of victims in the international aspect, cooperation between institutions in terms of the protection of crime victims.

2. The Role of Institutions in Terms of Protecting Victims

The institutions divided according to the area of responsibility have an essential role in protecting and guaranteeing the rights of the victims. A number of institutions are directly engaged in the war toward the prevention of criminal offenses, the reduction of consequences, and the arrest and detention of the perpetrator, while other institutions are engaged in the treatment and assistance of victims by offering them the necessary assistance to avoid re-victimization and secondary victimization.

On the other hand, a number of institutions have an essential role in the drafting of the legal framework necessary to guarantee the rights of the victims as well as in the drafting of action strategies within the framework of the protection of the victims. Here we can mention a number of institutions such as the Ministry of Justice, the State Police, the Prosecutor's Office, the Courts, and the Victim Assistance Office at the Municipalities at the local level.

In fulfilling their tasks for the protection and guarantee of the rights of the victims, the institutions cooperate with a number of international institutions or national and international organizations. The treatment and protection of victims does not remain conditional only on a national level, but cooperation also extends to regional and international levels.

3. The Role of the Police, the Prosecutor's Office, the Courts, and the Ministry of Justice

The main function of the State Police is the prevention, detection, and investigation of criminal offenses, in accordance with the legislation in force. Special sections for the prevention and fight against domestic violence have been created near the Police Directorates. An important focus has been given to the treatment of the State Police employees who will deal with cases of domestic violence, with the aim of increasing the capacities in identifying cases of domestic violence, assessing the risk, and interviewing the victim and the perpetrator and with other aspects related to them¹. Also, with the aim of protecting and identifying victims of trafficking, the State Police has set up its contacts at the border points, but also at police stations with the aim of identifying possible victims of trafficking. They also offer a counseling line² and handle all cases that may be referred to them by other law enforcement bodies or by the citizens themselves³.

Immediately after identifying the victim, when the victim's first contact is with the Judicial Police Officer, the latter gives the Letter of rights and explains to the victim the content of each right⁴.

In cases where the Police are ahead of cases where we are dealing with a minor victim who may be in danger, they must take measures such as:

- avoiding direct contact between the minor victim and the accused at any phase of the process,
- making a request to issue a "restriction order" in the Court,
- making a request for the imposition of the security measure "imprisonment arrest" or "house arrest" for the accused with the condition of banning contact with the minor,
- making a request for taking protective measures for the minor victim by the police or other structures and maintaining the secret of the minor's location,
- take or request from the competent authorities other protective measures that are considered adequate⁵.

Measures which may be requested by the Prosecutor's Office or the Unit for the Protection of Children's Rights. In cases of minor victims, their treatment is done by specialized police officers who possess special knowledge in the field of minor criminal justice. In cases where we are dealing with female victims, they are treated and interrogated by police

¹ Article 6 of Law no. 9669 dated December 18, 2006 "On measures against violence in family relationships" amended

² 116-006 is the national anti-trafficking line which serves to report cases of trafficking or cases of possible trafficking of human beings as well as to offer assistance to these victims.

³ Guidelines for identifying and working with victims of trafficking, pg. 18.

⁴ Article 47 of Instruction no. 05b, dated October 26, 2018, of the General Prosecutor's Office "On guaranteeing assistance to victims and witnesses of criminal offenses".

⁵ Article 37 of the Minor Justice Code.

officers of the same gender, with a focus on avoiding secondary victimization and re-victimization of the victims.

He is also in charge of implementing the tasks defined in the national strategy and the national action plan against human trafficking. He also prepares reports on the situation of trafficking in the country, conveys (forwards) them to the government, evaluates the achievements, and makes all the necessary proposals to be addressed or the possible policies to be undertaken. He ensures the functioning of the National Referral Mechanism for the Protection of Trafficking Victims⁶.

Another institution that plays an important role in relation to the treatment, protection, and guarantee of victims' rights is the Prosecutor's Office. The Prosecutor's Office must guarantee that the victim is recognized with all his rights during the criminal process, it is the authority responsible for guaranteeing the rights of the victims during the preliminary investigation phase.

During the phase of preliminary investigations, the Prosecutor is responsible for ensuring the conditions, for the effective exercise of rights by the victims, and for providing mandatory assistance according to the Law.

When the Prosecutor makes decisions related to the criminal case, he takes into account the opinion and interests of the victim and evaluates them in harmony with the other elements of the case. This is in order not only to protect the interests of the victim but also to avoid the possibility of a second victimization or re-victimization of the victim.

On the other hand, in cases where the victim is a minor, the Prosecutor dealing with the cases is trained and possesses special knowledge in the field of criminal justice for minors. In cases where a victim of domestic violence is interrogated, the Prosecutor must inform the victim about the possible types of support (legal support, psychological assistance, shelter, etc.) and encourage the victim to use these services, especially in cases where the author is a recidivist⁷.

Prosecutor's Offices must guarantee the necessary services for the treatment of subjects that enjoy a special status. Each Prosecutor's Office must have at least one coordinator with extra-legal knowledge as part of it⁸. The number of coordinators in this sector depends on the number of criminal cases investigated by the Special Prosecutor's Office, but in any case, this number cannot be less than two coordinators⁹.

The victim's coordinator assists mainly in matters of domestic violence, minor victims, and witnesses, as well as in matters of human trafficking, they assist victims in becoming familiar with their rights and take measures to prevent victims from being victimized by second by the perpetrator or by state actors or service providers for victims. Currently, 18 coordinators for victims have been appointed at the Prosecutor's Offices, after the approval of the new judicial map¹⁰.

The Court is the body that administers justice. In this context, the Courts aim not only to punish the perpetrator but also to protect and restore the rights of the victims by taking all necessary measures to avoid their second victimization and re-victimization. Courts create all conditions and take all measures to encourage the victim to participate in the criminal process. In dealing with victims, the court must take into account their special needs, especially when they are victims of sensitive or serious crimes. The court notifies the victim and the defender (custodian) at least two days before the date of the hearing and recognizes them with the right to examine and receive copies of the statements to be provided¹¹.

In addition to the structures of the Police, the Prosecutor's Office and Courts have direct contact with the victims, and therefore their role should be more proactive. There are also a number of other institutions that play a very important role in dealing with victims' cases through issuing acts or drafting strategies such as the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Health and Social Protection, or through carrying out verifications regarding the violation of human rights by the actions of the public administration such as the Ombudsman as well as their dependency structures.

During the period 2020-2023, out of 63 cases handled by the Ombudsman, 60 cases were initiated and only 3 cases were handled based on a complaint¹². Some forms of violence such as sexual violence, and violence against persons placed in social care institutions are little reported¹³. In order to integrate into the European Union, Albania must

⁶ <https://www.osce.org/files/f/documents/8/f/513298.pdf> last accessed on November 04, 2023.

⁷ L.Ristoska, *Manual for Prosecutors, 'Leader role of the Prosecutor'*, OSCE, Tirana, 2020, Pg.60.

⁸ *Graduates in psychology, sociology or other special fields.*

⁹ Article 25 of Law No. 95/2016 "On the organization and operation of Institutions to fight corruption and organized crime".

¹⁰ Ministry of Justice, "Draft Intersectoral Strategy for the Protection of Crime Victims 2024-2030".

¹¹ <http://komentarielektronik.magjistratura.edu.al/sq/eli/fz/2017/7905/138> last accessed on November 04, 2023.

¹² Information forwarded by the Ombudsman, May 2023.

¹³ Out of 63 cases of violence against children treated by the Ombudsman during the period 2020-2023, 24 cases are for abuse or sexual use of the child, 10 cases of violence in family relationships, 29 cases of violence in educational institutions, communities, social care institutions, etc.

fulfill a number of obligations. One of which is the alignment of local legislation for victims with EU standards and the strengthening of international cooperation. In the framework of this process, since the subchapter of the protection of fundamental rights is part of chapter 23 of the *acquis*, for which the Ministry of Justice is the leading institution, one of the issues is the protection of fundamental human rights and freedoms and in especially the rights and protection of crime victims¹⁴. The Ministry of Justice drafted the Intersectoral Strategy for the Protection of Crime Victims (SNMVK), as a political document accompanied by the action plan for the long-term period 2024-2030 and the passport of indicators, which will be in line with the EU strategy "On the rights of victims 2020-2025" as well as acts related to the EU *acquis* for the protection of crime victims¹⁵.

SNMVK focuses on strengthening the standards of the rights of crime victims through the inclusion of active actions that target crime victims and aim at their empowerment through institutional cooperation, coordination, and inter-institutional cooperation within the framework of the implementation of the protection and rehabilitation mechanisms of crime victims, the exchange of best practices between EU Member States for the support and protection of victims as well as the integration of the gender perspective in the design and implementation of the strategy¹⁶.

A very important institution in the fight against criminality and the protection of victims is the Ministry of Internal Affairs, which drafts and implements a series of strategic acts with the aim of protecting victims of a category of serious crimes such as victims of trafficking or victims of serious crimes. In this framework, the "Strategy against Organized Crime and Serious Crimes, 2021-2025" was drafted along with the "Action Plan 2021-2022" and the "National Action Plan for the War against human trafficking 2021-2023". Special attention should be paid to unaccompanied children and child victims of trafficking, also providing them with adequate protection¹⁷. A number of mechanisms have been created and are functioning, such as the network for the empowerment of women, the network against human trafficking, the coalition of anti-trafficking shelters, the network of non-profit organizations for a better implementation of international standards on gender equality, and gender-based violence and an online platform¹⁸ with information about legislation, recommendations of monitoring mechanisms in the field.

Services for trafficked persons or persons at risk of trafficking should be specifically focused within the anti-trafficking framework but should not be limited to this sector. The types of services that can be offered are Reception Centers and Shelters, Residential Centers, and Daily and Community Centers¹⁹.

4. The Role of International Organizations in the Protection of Crime Victims

4.1 United Nations Organizations

The United Nations organization undoubtedly remains the most important supranational institution that protects and promotes the rights of crime victims. The drafting of legislative acts with an international character as well as resolutions by this organization is periodic but always increasing. The most important acts of the UN aimed at the protection and assistance of victims include²⁰:

- Declaration of Basic Principles for Justice for Victims of Crime and Abuse of Power.
- Action plan for the implementation of the Declaration.
- The Guide to Justice in Matters Involving Child Victims and Witnesses of Crimes.

The Office of the Advocate for Victims' Rights has also been established at the UN. The office also cooperates with UN member states, civil society, and national human rights institutions, to ensure the full implementation of national laws and to provide all legal means for the protection of crime victims²¹. There is also another mechanism under the UN called

¹⁴ Ministry of Justice "Draft Intersectoral Strategy for the Protection of Crime Victims 2024-2030", Tirana, September 2023, Pg.6.

¹⁵ *Ibidem*.

¹⁶ <https://www.drejtësia.gov.al/ministria-e-drejtësisë-ka-iniciuar-dhe-prioritizuar-procesin-e-ehartimit-të-strategjisë-ndërkatoriale-për-mbrojtjen-e-viktimave-të-krimet-2024-2030> last accessed on November 05, 2023.

¹⁷ Decision no. 1140, dated October 24, 2020 "On the approval of the strategy against organized crime and serious crimes, 2021-2025, and the action plan 2021-2022", Pg. 6.

¹⁸ The initiative of the Center for Legal and Civic Initiatives <https://rrjetikunderdhunësgjinore-monitorime.al/projekti7> last accessed on November 03, 2023.

¹⁹ Decision no. 195, dated April 11, 2007 "On the approval of the standards of social care services, in residential centers, for trafficked persons or at risk of trafficking", Pg. 5.

²⁰ <https://www.unodc.org/undoc/en/justice-and-prison-reform/cpcj-victims.html> last accessed on November 05, 2023.

²¹ <https://www.un.org/prevention-sexual-exploitation-and-abuse/content/office-victims-rights-advocate> last accessed on November 05, 2023.

the Voluntary Fund for Victims of Torture. The purpose of the Fund is to focus on the needs of victims of torture at the macro level and to assist them and their families, with the aim of rebuilding their lives as well as re-addressing the needs they have after the violation of basic human rights. The fund distributes grants to civil society organizations in UN member States in order for them to provide medical, psychological, legal, social, or any other type of assistance to victims of torture. The fund is managed by the Office of the High Commissioner for Human Rights²².

5. European Union

The needs of crime victims vary from one victim to another. It is important that these victims are treated individually based on the specifications that these victims have. In the EU, the most important act that addresses the needs of victims is the Directive "On the Rights of Victims". It is based on the principles of treating victims with respect and ensuring adequate support and protection as well as access to justice. In 2020, the European Union has drawn up its first strategy in the field of victims' rights (2020-2025), ensuring that all victims of crime in the EU will benefit from their rights.

It must be said that the Strategy came as a necessity of the revision of the Directive "On the Rights of Victims", to address all those problems which were left unaddressed in this Directive. The EU is also working to revise this Directive aiming to increase the rights of victims.

6. Council of Europe

At the Council of Europe, there is a group of specialists who offer their expertise in the field of crime victims. Through the work of these specialists, the Council of Europe over the years has offered a series of important legislative acts in order to protect the rights of victims²³.

On March 15, 2023, the Committee of Ministers at the Council approved a new Recommendation on "Rights, Services, and Support of Crime Victims". This Recommendation came as a need to update and improve the previous recommendation of the Committee of Ministers, replacing Recommendation Rec(2006)8.

The new recommendation provides detailed support and a broad overview of the rights of victims of crime targeting a key principle that is victims' access to justice. According to this Recommendation, victims must be heard before a decision is made regarding their rights or interests, as well as be offered any type of legal mechanism that is available from the member States.

7. Group of Experts for Action Against Trafficking in Human Beings (GRETA)

The Group of Experts for action against trafficking in human beings, otherwise called GRETA, is one of the main institutions in terms of preventing human trafficking. This is an institution within the Council of Europe that is also responsible for monitoring the implementation of the Convention of the Council of Europe "On Measures Against Trafficking in Human Beings"²⁴.

GRETA meets in sessions three times a year, prepares reports, and evaluates the legislative measures taken by the contracting States in relation to the Convention. It is composed of 15 people elected by the member states of the Council of Europe who are independent of their country and who are experts in the field of human rights, and victims of human trafficking. Albania signed the Convention in 2005, ratified in 2007, and entered into force in 2009. From the adoption of the Convention until today, Albania has gone through three stages of evaluation by GRETA.

Among other things, GRETA has recommended to Albania that for the function of the national reporter, a mechanism or a new institution should be created that is independent of the executive power, with the aim of providing accurate and objective information as well as effective monitoring of national anti-trafficking activities leaving the relevant recommendations for law enforcement institutions²⁵.

Although the activity of this institution remains only in the framework of reports and giving recommendations, these reports and analyses drafted by GRETA experts are important in relation to the protection of victims in the national

²² <https://www.ohchr.org/en/about-us/funding-and-budget/trust-funds/united-nations-voluntary-fund-victims-torture> last accessed on November 05, 2023.

²³ <https://www.coe.int/en/web/cdej/completed-work/standart-setting/crime-victims> last accessed on November 05, 2023.

²⁴ <https://www.coe.int/en/web/anti-human-trafficking/greta> last accessed on October 02, 2023.

²⁵ GRETA's Third Report for Albania, December 15, 2020 (2020/9)

framework and the achievement of international standards set by side of international instruments²⁶.

8. Group of Experts on Measures Against Domestic Violence and Women (GREVIO)

The Group of Experts on Measures against Domestic Violence and Women is an independent body composed of experts in the field and responsible for monitoring the implementation of the Council of Europe Convention "On preventing and fighting violence against women and domestic violence"²⁷.

This Convention is an important legislative act in the framework of the Council of Europe as it contains not only substantive human rights but also aspects of procedural rights. In the Convention, in addition to providing definitions of what will be considered violence against women or domestic violence, other procedural rights are given that are related to criminal prosecution and punishment of the perpetrators.

It contains the rights related to the safety of victims, the creation of specialized structures for the purpose of providing medical or psychological assistance, the provision of safe shelters, 24-hour toll-free telephone lines, etc. It emphasizes the role and importance of the behavior that must be done towards the victims, forcing the States to professionally train all those state employees who have contact with the victims of the crime of violence against women or domestic violence. It consists of 10-15 members depending on the number of contracting parties to the Convention and takes into account the gender and geographical balance of representation, as well as the multidisciplinary expertise of experts in the field of human rights, gender equality, violence against women, and domestic violence. The members are independent and impartial, not being influenced by the State from which they are nominated.

GREVIO also cooperates with non-profit organizations operating in the field of fighting and combating domestic violence. Although the resources of these organizations are limited, they exchange information with these organizations in order to draft reports and obtain the most objective data²⁸.

In 2023, Albania also sent the current report regarding the questionnaire sent by this institution, and it is expected that all legislative and institutional activity by GREVIO will be evaluated.

GREVIO has invited the Albanian authorities to improve the collection of data regarding the punishments given for different forms of violence against women, dividing this data based on the gender of the perpetrator and the victim, as well as the relationship between them, and ensuring that sentencing data are clearly linked to the specific offenses for which they are provided and use that data to assess whether the sentencing in cases of violence against women is proportionate to the seriousness of the criminal offense and retains the function of punishment²⁹.

9. European Committee for the Prevention of Torture (CPT)

The European Committee for the Prevention of Torture is not an investigative body but provides a non-judicial preventive mechanism to protect persons deprived of their liberty against torture or other forms of ill-treatment. In this way, this institution complements the judicial work of the European Court of Human Rights. CPT members are independent and impartial experts from the States of which they are citizens, including experts from various fields such as doctors, lawyers, prison and police specialists.

CPT organizes visits to police stations, detention centers, immigration centers, psychiatric hospitals, social care homes, etc. In this way, they can also identify possible victims in migration centers or in social care homes as well as in mental health hospitals. The CPT can request information from the respective states, leaving the possibility of continuous dialogue between the States³⁰.

This institution is guided by the principles of confidentiality and cooperation. Cooperation with national authorities is at the center of the work of the CPT. In this way, states also improve the performance of their law enforcement institutions in terms of guaranteeing and respecting basic human rights.

At the core of this institution lies the prevention of victimization of persons by state activity. They should not be subjected to violence, nor any treatment or form of human or degrading treatment. At its foundation lies the respect for

²⁶ Ministry of Justice "Draft - Cross-Sectoral Strategy for the Protection of Crime Victims 2024-2030".

²⁷ This Convention is also known as the Istanbul Convention.

²⁸ <https://www.coe.int/en/web/civil-society/combating-violence-against-women-and-domestic-violence-grevio> last accessed on August 02, 2023.

²⁹ Excerpt from the initial GREVIO Evaluation report. SEE: <https://rrjetikundërdhunësjignore-monitorime.al/2018/01/14pjesë-nga-raporti-fillëstar-i-vlerësim-it-grevio-s/more-112>.

³⁰ <https://rm.coe.int/16806dbc07> last accessed on October 05, 2023.

human dignity even for persons for whom a sentence has been imposed for committing a certain criminal offense.

The power of this institution lies in sending reports and measures that must be taken by the member states of the Council of Europe to improve the internal situation in order to respect the Convention of the Council of Europe "On the Prevention of Torture and Inhumane Treatment or Punishment or degrading".

Another strategy approved by the EU is that of the "War against human trafficking" 2021-2025 which aims to address a broad action plan against the crimes of human trafficking and empower the victims of these crimes by giving them more access to Justice.

10. Cooperation between Institutions in Terms of the Protection of Crime Victims

A very important issue to deal with is the cooperation of institutions in the protection of victims. This is because the treatment of victims goes through a series of steps and is carried out through the work of several institutions together, starting from its first contact with the Police, the Prosecutor's Office, and then with the Court or public administration bodies that deal with the protection of the rights of them or further with their reintegration.

Institutional cooperation extends not only on a national or regional level but also on an international level through the implementation of Conventions for cooperation in the field of protection of victims' rights between States.

The EU Strategy for Victims' Rights 2020-2025, which aims to empower crime victims and support them, has given a special focus to the cooperation of states for the protection of victims by including it in one of its five pillars and respectively, pillar four defines the strengthening of cooperation and coordination between all relevant actors, is one of the priority areas which aims for the Member States to create national strategies for victims' rights to guarantee a coordinated and horizontal approach to victims' rights. Such policies may include appointing national victims' rights coordinators or persons in charge of victims' rights, launching national awareness campaigns on victims' rights, and incorporating victims' rights into other policies such as health and education³¹.

The drafting of this policy document serves to create a bridge of communication and institutional interaction at the national level, with all professionals who work with/and for victims, such as the Police, Courts, Court staff, victim support services as well and compensation authorities, medical staff, educational staff, social service staff or detention staff³².

Institutional cooperation in helping crime victims is also regulated through by-laws for some specific criminal offenses, due to their very sensitive nature³³. These acts regulate the basic standard procedures for the coordination of work between the authorities responsible for the prevention of domestic violence, for the protection, support, and rehabilitation of victims of all forms of domestic violence, guaranteeing human rights and promoting gender equality, as well as eliminating all forms of discrimination against women.

Coordination of immediate protective measures, as well as coordinated measures, can also be applied to support victims of violence against women who are abused outside of family relationships. Minor victims are treated in cooperation with the Child Protection Unit at the relevant local unit. Victims of trafficking and use for prostitution are referred by the Local Coordinator to the National Referral Mechanism for Victims and Potential Victims of Human Trafficking³⁴.

Cooperation at the international level for the protection of the rights of victims has its roots in the creation of the International Courts, which aimed to punish the perpetrators of international crimes. The structure of these Courts provides for the creation of a special fund that would make the transfer of assets seized and confiscated from the perpetrators of crimes³⁵.

One of the forms of preventing the commission of criminal offenses and the involvement of victims is the punishment of the perpetrators of criminal offenses, in order to deter potential violators of the Law. Many times the perpetrators of crimes are not punished and they try to benefit from the legislation of other countries or to benefit from some symbolic punishment, through the legal artifices of amnesty or statute of limitations, which also brings negative consequences in society, making individuals and victims not they feel safe³⁶.

States are given the opportunity to dispose of the proceeds of organized crime in favor of crime victims in

³¹ Ministry of Justice "Draft Intersectoral Strategy for the Protection of Crime Victims 2024-2030"

³² *Ibidem*, Pg. 27.

³³ Decision no. 327, dated June 02, 2021 "On the mechanism of work coordination between the authorities responsible for referring cases of violence in family relationships, as well as its procedure for the support and rehabilitation of victims of violence"

³⁴ *Ibidem*, point 9-11.

³⁵ Article 79 of the Rome Statute.

³⁶ https://www.unodc.org/pdf/crime/publications/standards_9857854.pdf last accessed on June 06, 2023.

accordance with their internal procedures³⁷. Also, the convention enables cooperation in providing maximum mutual legal assistance in the investigation and prosecution of the perpetrators of organized crime as well as in other judicial procedures. The typical case, which is also mentioned in the Convention, may occur when the victims or witnesses of a criminal offense are in a State other than the State that is conducting investigations for the detection of criminal offenses.

Mutual legal assistance should be provided to the fullest extent possible, based on the relevant laws, treaties, agreements, and arrangements of the requested State Party, relating to investigations, prosecutions, and judicial proceedings. Legal assistance can be provided for obtaining evidence, and statements, performing services related to court documents, exercising controls or confiscations, providing information, facilitating the presentation of witnesses, etc.³⁸.

States must take measures to protect victims of criminal offenses included in the scope of this Convention in cases of threats. Also, they must provide all the necessary information in order to provide assistance as well as the possibility of compensation³⁹.

Even the Recommendation of the Committee of Ministers R(87)21 "On assistance to victims and prevention of victimization" sanctions the importance of the cooperation of state institutions within a state in order for victims to access all necessary public or private services. Also, coordination and cooperation will have to exist in relation to the support of victims to offer them access to justice and mainly to the criminal justice system⁴⁰.

Cooperation will not have to be absent according to the Recommendation in relation to trans-border crimes, forcing the States to provide an effective and quick response to any request of the victims of cross-border crimes. The interaction will have to be guaranteed during all stages of judicial processes, to be comprehensive⁴¹.

11. Conclusions

The term "Victim" does not have a precise definition. In different acts, we find different definitions within their scope. The United Nations Declaration on the Fundamental Rights of Victims of Crime and Abuse of Power makes a more precise definition of the term "Victim", including not only the person who has suffered injuries/damages from the criminal offense but also family members, heirs, or the persons who have custody of the persons against whom a criminal offense has been committed. Also, the Declaration considers as victims those persons who suffered damages because they intervened to protect or prevent the commission of a criminal offense against a person.

In 2016, the role of the victim in criminal proceedings and, in particular, their legal protection is guaranteed in a series of acts, where we can mention: the Code of Criminal Justice for Minors, law no. 111/2017 "On legal assistance guaranteed by the State". Until the amendment of the Code of Criminal Procedure, the victim participated in the process as a civil plaintiff, and very often the judges separated the civil suit from the criminal case and in these conditions, the victim had to wait for the end of the criminal trial to follow the long road further. in the civil trial. Now the role of the victim has increased and he enjoys procedural rights and guarantees like other parties in the process. Victims' rights are part of basic human rights and in this context, the protection offered to them is the same.

Compensation is a first step towards overcoming the traumas and abuses suffered. On a practical level, compensation helps victims rebuild their lives. The most important legislative act at the international level for national compensation schemes is the European Convention of the Council of Europe "On compensation for victims of violent crimes" of 1983. The convention establishes the minimum standards, which will have to be implemented by the member countries of the Council of Europe on the compensation of crime victims from compensation schemes.

Victims of criminal offenses and especially victims of crimes need legal, medical, psychological, and social assistance, etc. Depending on the criminal offense committed against him, the need for assistance also changes, for crimes with high social risk such as human trafficking, terrorism, committing sexual/homosexual relations with minors or adults with violence, murders, and domestic violence. In these cases, the victims need increased care and attention in relation to the victims of other criminal offenses which have a lower social risk.

The protection and treatment of victims differ from their personal characteristics, from the way the criminal offense was committed, the environment in which the criminal offense was committed, and the resulting consequences. Victims of

³⁷ UN Convention "On the war against organized crime" Article 13.

³⁸ *Ibidem*, Article 18.

³⁹ *Ibidem*, Article 25.

⁴⁰ Recommendation of the Committee of Ministers R (87)21 "On assistance to victims and prevention of victimization", point 10.

⁴¹ Recommendation of the Committee of the Council of Ministers R (2006)8 "On assistance to victims of crime", point 15.

criminal offenses may enjoy special characteristics such as they may be women, children, elderly persons, foreigners, or stateless persons.

The institutions divided according to the area of responsibility have an essential role in protecting and guaranteeing the rights of the victims. A number of institutions are directly engaged in the fight towards the prevention of criminal offenses, the reduction of consequences, and the arrest and detention of the perpetrator, while other institutions are engaged in the treatment and assistance of victims by offering them the necessary assistance to avoid re-victimization and secondary victimization.

Guaranteeing access to justice for victims is an obligation for States, to guarantee both in international and national acts, but the implementation in practice often encounters difficulties regarding the right to information of the rights enjoyed by victims in criminal proceedings. The bodies that have the first contact with the victims in many cases formally make available to them the letter of rights without making sure that they understand these rights. For this reason, we suggest that national law enforcement institutions should undertake awareness campaigns on the rights and guarantees offered to victims. The forms and methods of these campaigns can be various, such as leaflets, TV spots, computer applications, advice lines, etc.

The courts should consider the trial of the civil suit together with the criminal case and not separately, as this would lead to delays in the compensation of the victims of criminal offenses.

Assistance to victims should not be conditional only on the victim's first contact with the competent bodies or only during the criminal process, but physical, psychological, and material assistance should also be offered after the end of the criminal process in order to reintegrate the victim and protect him from re-harm.

Publishing data on punishment and alternative measures of imprisonment for perpetrators of criminal offenses such as domestic violence, disaggregating the data based on the gender of the perpetrator and the victim, the relationship between them, and ensuring that data on punishments is clearly related to criminal offenses will have to be periodic, providing accurate and objective statistics that can serve the activity of law enforcement bodies in Albania.

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