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Recently in the Official Journal No. 191, dated 03.11.2020, among other, has been published Law No. 125/2020, dated 15.10.2020 “*On some amendments to Law No. 9669, dated 18.12.2006, "On measures against violence in domestic relations", as amended*”, (hereinafter referred to as “*Law No.125*”).

Law No.125 provides some important amendments to law no. 9669, dated 18.12.2006, “*On measures against violence in domestic relations*”.

*Some of the most important aspects of Law No.125 are as follows:*

### **Law No.125**

#### **Abuser**

In virtue of Law No.125, abuser is considered any person suspected and/or defendant for the use of domestic violence from the competent authorities.

#### **Court measures**

The court, as a protection measure from domestic violence, immediately orders the abuser to leave the residence for a certain period of time, when the victim and the abuser live in the same residence.

Law No.125 provides that the court, when appropriate, for the application of this measure takes into account the special needs of the juvenile, elderly or disabled abuser and in these cases the eviction order is issued only when no other measure guarantees the protection of the victim from violence.

#### **Rehabilitation of the abuser**

In virtue of the provisions of Law No.125, in the protection order, issued by a court decision, the abuser is ordered to participate in psychosocial rehabilitation programs and/or parental training programs, organized by public or private entities.

Law No.125 provides that the persons in charge of the rehabilitation program report to

the local coordinator on the referral of cases of domestic violence, the defendant's participation in the program and its progress periodically and the results of the abuser's rehabilitation. If the abuser does not participate in the program, except when there are objective reasons and justified reasons for non-participation, at the request of the ad-hoc meeting of the Coordinated Mechanism for Referral of Cases of Domestic Violence or entities provided by this law, the provisions of the Criminal Code apply to actions committed in violation of the court decision on protection orders.

In the protection order, issued by a court decision, the defendant or the abuser is ordered, if the case, to participate in rehabilitation programs at hospitals, outpatient centers or community centers, which provide mental health services, alcoholic services or toxicology services.

The persons in charge of the rehabilitation program inform the local coordinator at the Coordinated Mechanism for Referral of Cases of Domestic Violence about the defendant's participation in the program and its progress.

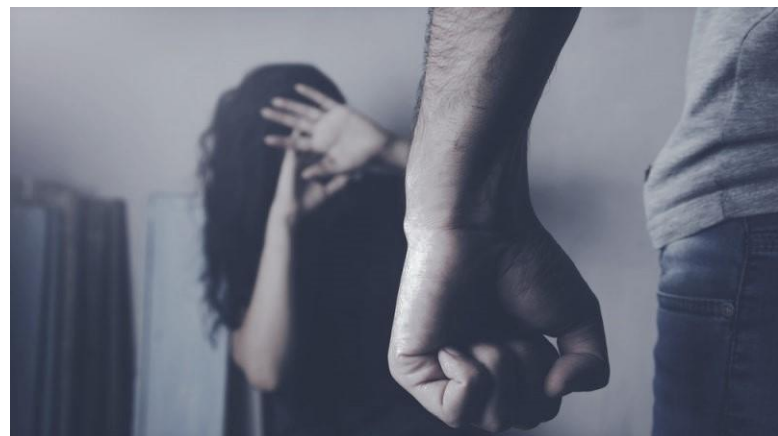
An abuser, convicted by a court decision to serve his sentence in penitentiary institutions, may participate in psychosocial rehabilitation programs. Participation and cooperation in the program are taken into account in assessing the risk of the convict in cases of parole, rewarding or special leave, visits.

### Order for immediate protection measures

In the order for immediate protection measures, until the court issues the immediate protection order or the protection order, the immediate removal of the abuser from the residence is ordered, when the victim and the abuser live in the same

residence, except when the abuser is a minor, elderly or disabled person.

When extraordinary measures have been imposed in the whole country or in a part of its territory, respectively, the head of the responsible structure of the State Police is obliged to issue the order for the precautionary measures for immediate protection, in each case when it finds that violence has been used. Throughout the period of extension of extraordinary measures, in requesting the court for the assessment of precautionary measures, received through the order for precautionary measures issued immediately, the police must ask the court to issue a protection order, without requesting in advance the issuance of an immediate protection order.



### Special registry

The decision on the protection order and the immediate protection order is registered in a special registry, which is administered to each court according to the model, rules and procedures approved by the decision of the High Judicial Council.

## Appeal

Law No.125 provides that an appeal may be filed against the court decision for the issuance of the protection order, the approval of the immediate protection order, as well as the non-issuance of the immediate protection order, within *5 days* starting from the day after the notification of the reasoned decision.

The Court of Appeal issues a decision within 15 days from the day of the appeal's registration.

No recourse is allowed to the Supreme Court against the decision of the Court of Appeal.

No appeal is allowed against the decision of the court that issued the protection order, unless the victim claims that the measures imposed do not guarantee protection. *The filing of an appeal does not suspend the execution of the court decision for the issuance of an immediate protection order or a protection order.*

## Criminal Prosecution

In any case, the police officer, where the victim appears for protection, refers the case to the prosecution body for the criminal

prosecution of the abuser, according to the provisions of the Code of Criminal Procedure.



## Entry into force

*Law No.125 enters into force 15 days after its publication in the Official Gazette.*



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The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with mediation services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania’s leading law offices, we are grounded in the essence of “who” we are and “where” we started. We understand the importance of family, hard-work, and dedication.

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