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Femicide in Albania: Analysis of criminal legislation in the perspective of international obligations

Klei Kaçupi

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Abstract

This article examines the Albanian legal framework regarding the killing of women on gender-based motives, with the aim of assessing its compliance with international standards binding upon the Republic of Albania. Specifically, the analysis focuses on obligations arising from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the jurisprudence of the European Court of Human Rights. Comparative legal analysis reveals significant shortcomings in Albanian criminal legislation with respect to femicide. Notably, the Albanian Criminal Code does not contain a specific provision criminalizing the killing of women as a gender-motivated offense. Furthermore, the criminal provisions fail to explicitly incorporate the aggravating circumstances required by the Istanbul Convention. Even the draft of the new Criminal Code does not fully address the obligations imposed by the Convention. Drawing on comparative examples from Italy, Croatia, Belgium, Malta, and Cyprus, the article argues that Albania must undertake legislative reforms to implement the recommendations made by international organizations concerning femicide. The article concludes that only through further alignment of domestic legislation with international standards, combined with effective practical implementation, can Albania ensure the effective protection of women's lives and dignity.

Keywords: femicide, gender motives, Istanbul Convention, gender discrimination.

1. Introduction

Femicide, defined as the killing of women and girls because of their gender, represents the most extreme form of gender-based violence against women (UN Women & UNODC, 2024). This phenomenon, in addition to constituting a grave crime against life, represents a systematic violation of fundamental human rights rooted in gender inequality and unequal power relations in society. According to recent data from the United Nations Office on Drugs and Crime (UN Women & UNODC, 2024), an estimated 85,000 women and girls were killed worldwide in 2023, 60% of whom lost their lives at the hands of intimate partners or family members. In Albania, femicide

intersects social and cultural challenges with legal ones. Between 2021 and 2023, 32 women killed were recorded by the Albanian Femicide Observatory, of which 24 cases met the criteria for gender-based killings (Observatori i Femicidit, 2023). In 2021, the femicide rate in Albania reached 0.85 per 100,000 women, the highest in the region for that year, decreasing to 0.5 in 2022 and rising again to 0.84 in 2023 (People's Advocate of Albania, 2024). These figures underscore the urgent need to address this phenomenon through a legal and institutional framework capable of preventing and punishing femicide. As a State Party to key international instruments for the protection of women's rights, including the Istanbul Convention (Council of Europe, 2011; ratified by Albania in 2013) and CEDAW (United Nations General Assembly, 1979; ratified by Albania in 1993), Albania has undertaken measures to criminalize, prosecute, and prevent violence against women in all its forms. However, an analysis of the current Albanian legal framework indicates that significant shortcomings remain, hindering the effective implementation of these international standards.

This study examines Albanian criminal legislation concerning femicide and identifies the need for legal intervention based on obligations arising from the Istanbul Convention, CEDAW, and the jurisprudence of the European Court of Human Rights. Using a comparative methodology grounded in the practices of countries that have recently adopted specific legislation on femicide (Italy, Croatia, Belgium, Malta, and Cyprus), the paper proposes recommendations for legal reform in the Albanian context.

The article is structured into four parts. The first part presents statistical data and outlines key characteristics of femicide in Albania. The second part examines the international legal framework regulating the protection of women from gender-based violence. The third part analyzes Albanian criminal legislation and identifies observed shortcomings in its implementation. The fourth part provides a comparative overview of legislative models from other countries that may serve as good-practice examples. The paper concludes with a synthesis of findings and recommendations for aligning Albanian law with international standards.

2. The situation and characteristics of femicide in Albania

Femicide is a widespread and highly concerning phenomenon in Albania. Monitoring of this phenomenon is conducted through the Femicide Observatory, established in 2024 within the Institution of the People's Advocate (Observatori i Femicidit, 2023). According to data from the Observatory, during the period 2021–2023, a total of 32 women were killed in Albania, of which 24 cases (75%) are classified as femicide. Comparative data from the European Union Agency for Fundamental Rights indicate that, in 2023, Albania recorded the highest rate of femicide relative to the female population among Western Balkan countries. The rate is proportionally higher than the regional average and, in some years, surpasses the European average. These data suggest that femicide is entrenched within the criminal landscape of the country, exhibiting year-to-year fluctuations without a clear downward trend.

An analysis of femicide cases recorded between 2021 and 2023 highlights several characteristics of this phenomenon. Of the 32 women and girls killed, 27 were murdered by perpetrators with whom they had a family relationship. In approximately half of these cases, the killings were preceded by the victim's attempt to end the relationship, often motivated by jealousy, refusal to accept the breakup, or objection to the victim forming a new relationship. In most cases, the killing occurred as an epilogue to prior violence: in 90% of cases, the victims had been assaulted by the perpetrators prior to the femicide. Moreover, in some instances, protection orders were in effect at the time of the killing. These data indicate a strong link between repeated violence within intimate or family relationships and the eventual occurrence of femicide. Regarding the victims' age, the highest number of femicides occurred among women aged 45–49, followed by those aged 30–44 and those over 60 years old. The mechanisms of killing were predominantly through acts of cruelty or the use of firearms, sharp and blunt tools, and physical force. In some cases, the killings occurred in the same premises while children were present, either witnessing the act or asleep at the time. This element highlights a significant aspect of the familial and social context of femicide in Albania. Legally, femicide crimes are typically classified as ordinary murder (Article 76 of the Criminal Code) or murder due to family relations (Article 79/c of the Criminal Code), while gender-based motives are rarely explicitly referenced in indictments or in the reasoning of court decisions. Sentences rendered by courts range from 20 years of imprisonment to life imprisonment. Nevertheless, judicial practice has not established a consolidated model for addressing the gendered context of these crimes.

3. International Framework for Protection from Gender-Based Violence and Femicide

The United Nations Declaration on the Elimination of Violence against Women (1993) is the first international instrument to recognize violence against women as a human rights violation. It defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (United Nations General Assembly, 1993). The Declaration calls upon states to undertake institutional and legal measures to condemn and eliminate violence against women in all its forms, rejecting any justification based on customs, traditions, or religious beliefs. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, constitutes the primary legally binding instrument for the protection of women's rights. Article 2 obliges member states to undertake measures to combat gender discrimination and to guarantee effective legal protection. The CEDAW Committee, in General Recommendation No. 35 (2017), clarified that gender-based violence constitutes a form of discrimination within the meaning of the Convention. In its concluding observations on Albania (2016), the Committee expressed concern about the high level of violence against women and recommended

further measures, including legal amendments (Committee on the Elimination of Discrimination against Women (CEDAW), 2017).

At the European level, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) constitutes the most comprehensive legally binding instrument to combat gender-based violence. It entered into force in 2014, and Albania ratified it in 2013 (Council of Europe, 2011). Article 3 of the Convention defines violence against women as “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” The Convention establishes an obligation for comprehensive measures that incorporate a gender perspective and place the victim at the center. Article 42 expressly prohibits the use of culture, tradition, religion, or “honour” as justification for gender-motivated crimes. Article 46 further stipulates aggravating circumstances that states must consider in cases of gender-based crimes, including prior acts of violence, intimate relationship with the victim, use of weapons, cruelty in committing the crime, and commission of the crime in the presence of children. Implementation of the Istanbul Convention is monitored by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which conducts periodic evaluations of States Parties and issues recommendations. In its first report on Albania (2017), GREVIO encouraged authorities to align the relevant provisions of the Albanian Criminal Code with Article 42 of the Convention, noting that provisions in Article 48, points (a) and (b), which relate to “motivations of positive moral and social values” or “a state of severe psychological distress caused by provocation or by the unfair actions of the victim or some other person,” should not be considered mitigating circumstances in cases of gender-based violence against women (GREVIO, 2017). The European Court of Human Rights (ECtHR) has developed a well-established jurisprudence linking gender-based violence to the positive obligations of states to protect life under Articles 2 and 3 of the European Convention on Human Rights. The Court has established that Article 2 imposes on the state not only the obligation not to unlawfully deprive life, but also to take preventive measures to protect individuals when their lives are at risk due to criminal acts by others (European Court of Human Rights). In *Opuz v. Turkey* (2009), the Court recognized for the first time that domestic violence against women constitutes gender discrimination, finding violations of Articles 2, 3, and 14 due to the inaction of state authorities. In *Talpis v. Italy* (2017), the Court emphasized the state’s obligation to take effective preventive measures when authorities knew or ought to have known of a real and imminent danger.

4. Albanian criminal legislation from the perspective of international standards

The Criminal Code of the Republic of Albania currently does not contain a specific provision criminalizing femicide. There is no distinct offense addressing gender-

motivated killing of women as separate from other forms of homicide. For many years, femicide has been prosecuted under general provisions, including “Murder with intent” (Article 76), “Murder with intent connected to another crime” (Article 77), “Premeditated murder” (Article 78), and “Murder committed under other qualifying circumstances” (Article 79). In 2013, through Law No. 144/2013, Article 79/c was added, recognizing murder because of family relations as a special offense. The provision stipulates that:

“Intentional homicide of the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin, or close kin of the spouse of the perpetrator, shall be punished by no less than twenty years or life imprisonment.”

While this represents a positive step in acknowledging the heightened risk of killings within domestic relationships, it remains insufficient to fully address femicide as recognized under international standards. Article 79/c does not identify women as the sole victims, nor does it explicitly define gender-based motives as an element of the subjective side of the crime. Consequently, it fails to distinguish between murders occurring in family relationships for various reasons (e.g., economic disputes) and those driven specifically by gender, rooted in unequal power relations between men and women.

Additionally, the scope of Article 79/c is limited. It applies only to femicide within marital or cohabiting relationships (current or former) and excludes other forms of femicide, such as gender-based killings by other family members (e.g., fathers, brothers), killings in non-cohabiting intimate relationships, or killings committed by other perpetrators beyond family ties.

Another shortcoming concerns the incorporation of aggravating circumstances as outlined in Article 46 of the Istanbul Convention. Article 50 of the Albanian Criminal Code enumerates aggravating circumstances relevant to sentence individualization, including:

- Crimes committed savagely or ruthlessly (50/c);
- Crimes committed during or after a court protection order against domestic violence (50/e/1);
- Crimes committed through profiting from family, cohabitation, friendship, or hospitality relationships (50/g);
- Crimes committed in complicity (50/gj);
- Crimes committed repeatedly (50/h);
- Crimes committed using weapons, explosives, flammable or poisonous substances (50/i);
- Crimes committed due to motives related to gender, race, ethnicity, language, sexual orientation, political or religious beliefs, health status, or disability (50/j);

Although these provisions represent steps toward aligning the Criminal Code with the Istanbul Convention, they do not fully comply with Article 46. Specifically, there is no explicit provision addressing crimes committed “against or in the presence of a child” (Article 46(d)) or those “preceded or accompanied by extreme levels of violence” (Article 46(f)).

The Criminal Code also lacks a provision explicitly prohibiting the use of cultural, customary, religious, or traditional justifications in cases of gender-based crimes. While courts do not generally accept such arguments to mitigate sentences, the absence of an express prohibition falls short of the requirements of Article 42 of the Istanbul Convention. Similarly, the Criminal Code's mitigating circumstances allow reductions when "the criminal offense is committed under psychological distress caused by provocation or by the unfair actions of the victim or some other person" (Article 48/b). Without explicit limitations, this could be misapplied to justify gender-based or family-related killings, contrary to the Convention's requirements. Albania is currently drafting a new Criminal Code, which remains in public consultation. In this draft, the killing of women is considered a murder committed under qualifying circumstances (Article 750/d), but gender motives are not included as elements of the subjective side of the offense. GREVIO has emphasized that the root causes of violence against women—gender stereotypes and inequalities—should be addressed as part of legal definitions and preventive measures. Moreover, the draft does not include aggravating circumstances required by Articles 46/f and 46/d of the Istanbul Convention, such as killings accompanied by extreme violence, occurring in the presence of children, or perpetrated by non-spouse or non-cohabiting partners (Article 46(a)). The draft introduces Article 733/2, prohibiting courts from using circumstances related to culture, customs, religion, tradition, proper conduct, or personal honor to mitigate sentences. However, this provision is linked to domestic violence under Article 732, rather than to killings, and therefore does not fully satisfy Article 42 of the Istanbul Convention.

In sum, while Albania has made incremental progress in acknowledging the risks of femicide within domestic contexts, significant gaps remain in both the current and draft Criminal Codes. These gaps include the lack of explicit recognition of gender-based motives, insufficient coverage of different forms of femicide, incomplete incorporation of aggravating circumstances, and the absence of clear prohibitions against cultural justifications. Addressing these gaps is essential to harmonize Albanian law with international obligations and to ensure effective prevention, prosecution, and punishment of femicide.

5. Legislative reforms on femicide in other countries

In recent years, several European countries have undertaken significant reforms in their criminal legislation, explicitly recognizing femicide as a distinct and qualified form of homicide, characterized by a gender-based motive. These developments reflect a broader trend toward harmonization with the standards of the Istanbul Convention and offer concrete models for the reform of Albanian law. In December 2025, Italy enacted Law No. 181/2025, introducing Article 577-bis into the Criminal Code, thereby criminalizing femicide as a separate offense for the first time. According to this provision, femicide is defined as:

"The killing of a woman when the act is committed out of hatred, discrimination, oppression,

control, possession or domination over the woman, or in relation to her refusal to establish or continue an emotional relationship, or as an act to limit her individual liberties."

The law provides for a life sentence, reflecting the extreme societal and criminal seriousness of the offense. Italy explicitly recognizes a woman's refusal of sexual or emotional advances as a gender-based motive, consistent with the case law of the European Court of Human Rights.

Croatia, at the end of 2023, amended its Criminal Code to include "the qualified murder of a female person" (Article 111a), punishable by a minimum of ten years of imprisonment. The law considers aggravating circumstances such as: prior mistreatment of the victim, vulnerability or dependence of the victim, commission of the offense in the context of sexual violence, and other indicators of gender-based violence. The provision thereby emphasizes the relational and gendered dimensions of femicide.

Belgium adopted a specific legal framework known as "STOP Femicide" in July 2023. This legislation defines three types of femicide:

1. Intimate femicide – intentional killing of a woman by a partner or family member, potentially justified by culture, custom, religion, tradition, or "honour," or other reasons;
2. Non-intimate femicide – intentional killing by a third party, often in the context of sexual exploitation, trafficking, or sexual violence, reflecting the perpetrator's power over the victim;
3. Indirect femicide – unintentional killing of a woman resulting from harmful practices or the victim's suicide.

Malta and Cyprus were among the first European countries to introduce specific provisions criminalizing femicide in 2022. Malta's Criminal Code (Article 211A) defines femicide as the killing of a woman by her husband, partner, former partner, family members, or other intimate relations, where the motive is related to gender. Courts must consider aggravating factors such as intimate partner violence, misogynistic motives, family "honour," religious beliefs, sexual violence, or the victim's involvement in sexual exploitation or trafficking. These factors prevent leniency in sentencing and emphasize the special criminal nature of femicide.

Similarly, Cyprus amended Law No. 115(1)/2021 on Preventing and Combating Violence against Women and Domestic Violence in July 2022, criminalizing femicide and broadening the list of aggravating circumstances. The law provides that any person causing the death of a woman through unlawful acts or culpable inaction is liable for femicide, with life imprisonment as a potential penalty. Aggravating circumstances include intimate partner violence, misogyny, domestic violence, "honour"-based motives, religious motives, gender-based violence, female genital mutilation, sexual exploitation, trafficking, and armed conflict contexts.

Comparative analysis of these legislative reforms demonstrates a growing European consensus that femicide should be recognized as a separate crime, with a clear definition of constituent elements distinct from ordinary homicide. Criminal law should explicitly identify the gender-based motive as central to the offense, while

incorporating aggravating factors that reflect the relational and societal dimensions of violence against women. These models provide a roadmap for Albania to harmonize its legislation with international standards, including the Istanbul Convention, and to strengthen the legal protection of women against gender-based killings.

6. Conclusion

Femicide constitutes a violation of fundamental human rights, based on gender discrimination. Despite the ratification of key international instruments, Albanian criminal legislation contains shortcomings that hinder the effective protection of women's lives and the criminal sentencing of perpetrators of femicide.

The lack of a separate provision for femicide in the Criminal Code, the incomplete integration of aggravating circumstances provided for by the Istanbul Convention, the lack of an explicit prohibition of cultural justifications, and weaknesses in the implementation of preventive and protective measures mean that Albania does not meet its international obligations, but also fails to create an environment where women live free from fear and violence.

In the spirit of the models and experiences of other European countries, the Albanian legislator must take measures to address these legal shortcomings. The delay in undertaking these reforms contributes to the impunity of gender-based violence.

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