

# EFFECTIVE COMPENSATION FOR VICTIMS OF CRIMINAL OFFENCES ACCORDING TO ALBANIAN AND ITALIAN LEGISLATION

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## ABSTRACT

*The protection of the victim in a criminal activity is guaranteed first by international legislation and further by national legislation, which is approaching international law. The European Union countries, increasingly, have sought to have a unified law. While countries that want to join the EU, as well as Albania, have a legal obligation to have their internal laws in line with the EU acquis, as the latter is considered as the model to be followed in domestic law, it is the right to be achieved and that should be.*

*The reforms undertaken in the Criminal Procedure Code, from 2016 onwards, have brought about a significant improvement of the victim of the criminal offense, giving her a more active role and recognition of many procedural rights.*

*Despite the significant improvement of the victim's position in criminal proceedings, there are still legally and practically unresolved problems. One of the very important rights is the right to compensation or reparation of the victim of the criminal offense, in all kinds of damages he has suffered. Legal remedies to address the court are either civil lawsuits in the criminal process or civil lawsuits in the civil process. Victims also manage to get positive decisions from*

*Albanian courts, which cannot be executed effectively. The lack of such legal regulation in Albania has left the victim without an effective compensation/reparation, as an obligation of the state to realize these rights!!*

*This paper attempts to bring about the legal regulation regarding the compensation/reparation of the victim in Albania, is it complete? What is the compensation of victims in practice? This paper tries to be comparative, comparing with the legislation of EU member states such as Italy.*

**KEYWORDS:** *Victim, Directive 2004/80/EC, compensation, effective remedies, special compensation fund.*

## INTRODUCTION

The reform of the criminal procedural legislation under the Law No. 35/2017 brought about a significant and positive improvement of the rights that a victim may have in the criminal process. Although there is a great deal of discussion about whether the victim is a subject with full rights or a party to the criminal process, it is already an accepted fact that the victim and her rights have significantly improved in the criminal process. The rights of the victim as a vulnerable subject of the criminal proceeding are protected by the prosecution body, representative of the state, therefore the code of criminal procedure does not recognize him as a subject equal with the defendant or prosecutor.

The victim has the right to ask for compensation related to the damage suffered by a criminal offence. Since the victim of the criminal offense is anyone who has suffered a damage from the criminal offense, whether they are material, moral, mental, emotional, economic, social loss, or any kind of measured damages. Therefore, the rehabilitation of the victim can only come through a full and effective compensation.

The provision in the Code of Criminal Procedure on the right of the victim to compensation/reparation in all types of damages suffered, with the 2017 reform, was a good legal premise for the victim to realize compensation within the criminal proceeding. But even though the Code recognizes this right, we see that there are no legal remedies and legal regulations for the state to enable the effective enforcement of this right. Victims are again re-victimized, when they are recognized by the court as entitled to compensation, but this obligation is not effectively enforced because the civilly responsible persons do not have liquidity or alienate the assets to others, making it impossible to execute this right. In this case, the state should have found regulatory mechanisms that made it possible to compensate effectively.

## METHODOLOGY

To deal with this topic the authors has tried to make it as much as scientific the results concluded by applying scientific methods as follows:

**Searching data.** The collection of data has consisted on receiving materials such as legislation, case law of the courts in this issue, having a look to the doctrine and using internet as source of information in accessing such information.

**Analyzing data,** each data collected has undergone a critical analyze by the authors, by comparing and reaching conclusions using also the deduction or induction on the material.

**Comparison Method,** the topic is analyzed by seeing also the approach of other states about victim compensation such as Italy, which represents the other side of the standards the one of the EU members states and that of states.

### 1. Evolution of the victim through the reform undertaken in 2017

The reform under Criminal procedural law which significantly improved the victim, as a subject, was a necessity in the Albanian reality, in the evolutionary view, and that this improvement should be in line with international standards.

After analyzing the procedural position of the victim in the criminal procedure, before undertaking the legal reform, it was found that:<sup>1</sup>

The procedural position of the victim from the criminal offence was weak and there were lack of determination of procedural rights and guarantees in accordance with EU minimum standards.

These deficiencies may be listed.

- Reimbursement of expenses incurred by the victim as a result of active participation in the process.
- Right to compensation through restorative justice, etc.

According to these legal provisions it was found that the victim had a limited role in the criminal proceeding, as the latter was not considered a party in the process. The rights of the victim were presumed to be protected by the prosecutorial body that represented the public interest in such proceedings. Not being a party with full rights, resulted also in missing effective means of accessing criminal proceedings in order to protect her rights.

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<sup>1</sup> <http://www.reformanedrejttesi.al/dokumenti-analitik>.

The criminal procedural reform aimed to recognize several rights of the victim, approaching the legal regulation of this subject with international acts. The reform improved the rights of the victim, to have effective access to criminal proceedings, in three directions: as was the right to be informed, to have a defender and to expand cases for compensation.

The improvement of the rights of the victim entailed the legal obligation for the proceeding body to guarantee these rights. But in practice there were problems in implementation, as the effective realization of these rights of the victim is first related to her identification and her notification to participate in the criminal proceeding. But even though the Albanian Criminal Code significantly expanded the rights of the victim, the prosecuting bodies could not identify the victim, as there is no definition of the victim. This has led on, not participation of the victims in the proceedings and lack of access to justice. However, this legal lack was detailed by the guideline no. 5, of 2018 of the General Prosecutor<sup>2</sup>, 1 year after the Criminal Code had entered into force, approximating that of international acts.<sup>3</sup> In the UN Convention on the Victim, the victim is considered to be anyone who has suffered harm or loss, regardless of whether or not the offender has been identified and regardless of his or her relationship with the offender.<sup>4</sup> One of the rights recognized in these acts is the right for compensation<sup>5</sup>.

<sup>2</sup>Article 35, Understanding the “victim of the criminal offense”1. *For the purposes of this Instruction, by “victim” is meant the individual who has suffered harm, including physical, emotional or economic harm, due to acts or omissions, the commission of which constitutes a criminal offense, regardless of whether the offender is identified, arrested, prosecuted or punished and independently of blood ties or marriage between him and the offender.*

<sup>3</sup><https://www.unodc.org/pdf/rddb/CCPCJ/1985/A-RES-40-34.pdf> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

<sup>4</sup> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Adopted by General Assembly resolution 40/34 of 29 November 1985 “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operating within Member States, including those laws proscribing criminal abuse of power.”

<sup>5</sup>Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Adopted by General Assembly resolution 40/34 of 29 November 1985 “12. When compensation is not fully available from the offender or other sources, States should still favour to provide financial compensation to: (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes; (b) The family, in particular dependants of persons who have started or become physically or mentally incapacitated as a result of such victimisation. 13. The establishment, strengthening and expansion of national fund, for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.”

What is noted in this act is the extension of compensation, of the direct and indirect victim by both acts and omissions, whether this individual or collective damage.

In the meantime, the Criminal Code, prior to its reform in 2017, provided that: He who has suffered **material damage** from the criminal offense, or his heirs can submit civil lawsuits in the criminal process against the defendant or the civil defendant, to claim the restitution of property and the compensation of damage. So, this code limited the type of damage, requiring only material damage. While international acts had the all-encompassing damage, in all kinds, emotional, material and physical.

For this reason, the lawmaker, with the changes made in 2017, removed the concept “material”, thus expanding the concept of the damage resulting from the criminal offense to the victim.<sup>6</sup>

As per above, we find that the Criminal Procedure Code recognizes the right to compensation of the victim in the criminal process, in accordance with this and the General Prosecutor's (GP) guideline no. 5 /2018, which provides as a mean the civil lawsuit in the criminal process. In the guideline no. 5, 2018 of the GP, in Article 38/2, the types of damages, such as physical, emotional or material (economic loss), are defined. Despite improving the legal regulation of compensation, victim compensation is still not effective.

Guideline no.5, 2018, "Guaranteeing assistance to victims and witnesses of criminal offenses", Article 26

#### Right of compensation from the defendant

1. Civil lawsuit is the only mean to guarantee compensation of the victim. Prosecutors should be aware of its importance and sensitive to the needs of the victim associated with civil lawsuit.

2. A prosecutor shall administer a civil lawsuit, if it has been filed by the victim or his representative/defender during the preliminary investigation phase and, as far as possible in the circumstances of the concrete case, shall provide the victim with a copy of the acts of the investigative file supporting civil lawsuit in criminal proceedings. In

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<sup>6</sup>[https://qbz.gov.al/share/hATwC6ANSsup7K\\_Q8NYNBw](https://qbz.gov.al/share/hATwC6ANSsup7K_Q8NYNBw) Albania Criminal Procedure Code, as amended by Law no.35/2017 Article 61 "1. One who has suffered injury by the criminal offence or his/her heirs may file a civil lawsuit in the criminal proceedings against the defendant or the person liable to pay damages (defendant), claiming the restitution of the property and reimbursement of the injury”.

the case of civil lawsuit, the prosecutor cooperates with the victim and ask the establishment of the conservative sequester.

3. In cases of criminal offenses that have caused material damage, the prosecutor suggests to the victim to complete the declaration of damage. The declaration of damages serves to guide the search for the necessary evidence for the criminal case or civil lawsuit.

In this guideline, we note a particular focus on compensation of victims, orienting the investigation also about the provability of the civil lawsuit and its administration since in the preliminary investigation. We find that the procedural legislation recognizes all kinds of damages of the victim and formally guarantees the rights of the victim in this context.

But despite the detailed implementation of the legislation, the effectiveness of its implementation remains to be desired.

In the first place, there are victims who are not yet aware of the importance of this right and are mainly oriented towards the right to compensation in civil proceedings by not choosing to guarantee damages in criminal proceedings, which could in fact help the realization of the right in quicker terms than the civil one.

After monitoring the justice reform, it was found that the civil lawsuit was not used by the victims. From all the cases with victims studied, it turns out that only in one case the victim has filed a civil lawsuit for compensation of damage and in that case the victim was a legal person present at the trial.<sup>7</sup>

Although our procedural legislation brought improvements regarding the compensation of the victim, it is not fully approached with the international acts that sanction the right to compensation of the victim, which are analyzed in the following of this paper.

Albanian legislation provides for several forms of realization of the right to compensation of the victim:

- Compensation directly from the defendant. In case the latter has no asset, the possibility of seizure of the assets deriving from the criminal offense and using these assets to liquidate the victim for the damage resulting from the criminal offense, is foreseen.

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<sup>7</sup><https://www.osfa.al/sites/default/files/monitorimi-i-zbatimit-te-reformes-ne-drejttesi-5.pdf>

- Compensation from the amended Anti-Mafia Law, which provides that revenues derived from the implementation of the law will be used for the creation of a special fund that will serve for the compensation of victims of organized crime and trafficking.<sup>8</sup> At the same time, in the Law on the Management of Seized and Confiscated Assets, it is clearly provided that the proceeds of these assets, one part is used for the special fund for the prevention of crime created under Article 37 of the Anti-Mafia Law and the other part goes to the account of the state budget or the agency that manages these assets.<sup>9</sup>

Meanwhile, the International Acts recognize several new forms:

- Compensation through Social Insurance, which in the case of Albania is awarded only for the period of inability to work, not other forms of damage.
- Compensation through the special fund, which in the case of Albanian legislation limits the compensation only to victims of organized crime and trafficking, excluding the injured person from other criminal offenses.

As above, the intervention of the legislator in these aspects is necessary to make the right to compensation an effective right for victims of criminal offences.

## **2. Compensation of crime victims according to international legislation**

In international legal acts we find sanctioned the institution of the compensation for victims starting with EU legislation. Approval of directive no 2004/80/EC of 29 April 2004 came out as a need of EU countries to regulate the situation of compensation for victims who were found violated in one of the other member states of EU. This problem was first met in one of the cases treated by the European justice court on 1989 where a UK national was visiting France for a brief trip. On his way out of a metro station in Paris, he was violently assaulted. As his assailants could not be identified, the applicant sought to recover compensation for criminal injuries from a state authority which by law could grant compensation in such circumstances, but only to French nationals. The applicant therefore argued that this national law contravened the prohibition against discrimination enshrined in EU law.<sup>10</sup>

So, the free movements of the humans in EU area was accompanied with the need to find remedies which would insure the human rights of EU civils despite their

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<sup>8</sup>Law No. 10 192, dated 3.12.2009 “*On preventing and striking at organised crime, trafficking, corruption and other crimes through preventive measures against assets*”, amended Article 37

<sup>9</sup>Law No. 34/2019 “*For the administration of Sequestrated and Confiscated Assets*”, amended Article 7

<sup>10</sup> Case 186/87, European Court reports 1989, p. 195



nationality, or despite the territory where their rights were infringed. The court found the situation as an infringement by France who has made and discriminatory treatment to UK nationality because same rules applied for French citizen wasn't being applied for the UK citizen in this case.

The European court of justice on this case stated that *“when Community law guarantees to a natural person the freedom to go to another Member State, the protection of that person from harm in the Member State in question, on the same basis as that of nationals and persons residing there, is a corollary of that freedom of movement. Measures to facilitate compensation to victims of crimes should form part of the realization of this objective.”*<sup>11</sup>

On 2004 the EU decided to approve a directive where minimum standards will be stated regarding the compensation of the crime victims.

Directives as we know are not directly obligatory for the member states, the states are allowed to transpose the directive and choose the means and ways how they will implement the act. But this EU legal acts are obligatory on their “output” meaning that the standards stated in this directive should be accomplished by EU members.

Some question raises in case of victim compensation which were reflected on this directive?

What happens when the offender is not identified or for some reasons he cannot be prosecuted, how can the victim take the compensation and from who?

What happens when the crime happens in other EU members, not residential of the victim?

Due to the fact that victim in some cases cannot take the compensation?

The directive asks for establishing a system of compensation by each member state in way that the crime victims to be compensated for crime damages.

In case when the offender is not identified or cannot be prosecuted the compensation shall be paid by the competent authority of the Member State on whose territory the crime was committed<sup>12</sup>. Even though the directive in this article give only the obligation of the state who should make the compensation, we should understand that

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<sup>11</sup> Case 186/87, Cowan pg.17

<sup>12</sup> COUNCIL DIRECTIVE 2004/80/EC of 29 April 2004 relating to compensation to crime victims, article 2



based also on the preamble of the directive whereas the explanation of needs for approval of such a act, is stated, we can understand that the first stage to ask the compensation is from the offender according to the basic principle of civil right “who cause the damage should pay”.

The directive foresees in which cases the victim may ask for a compensation where we can state some elements of this institution according to the directive.

*“Member States shall ensure that where a **violent intentional crime** has been committed in a Member State other than the Member State where the applicant for compensation is habitually resident, the applicant shall have the right to submit the application to an authority or any other body in the latter Member State.”<sup>13</sup>*

The criminal offences per which a compensation may be asked for is only for:

- Offences categorized by the law as **crimes**.
- And this crime should be committed **intentionally**.

On the other hand, each state should establish the competent authorities where the victim may go and ask for compensation.

Other international act such as the Declaration of United Nations of Basic Principles of Justice for Victims of Crime and Abuse of Power foreseen the positive obligation of the state that when the victim or there aperiens, did not receive the compensation from the offender, state should have the financial remedies to compensate such victims.

As per above there should be in focus of states to strength the system of compensation of such categories by allocating sufficient funds for reaching these objectives.

Same rules were stated since 1983 on the Convention of council of Europe which stated that: <sup>14</sup> *“When compensation is not fully available from other sources the State shall contribute to compensate:*

- *those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence.*
- *the defendants of persons who have died as a result of such crime.*

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<sup>13</sup> COUNCIL DIRECTIVE 2004/80/EC, article 1

<sup>14</sup> <https://rm.coe.int/1680079751> European Convention on the Compensation of Victims of Violent Crimes Strasbourg, 24.XI.1983, article 2.

*Compensation shall be awarded in the above cases even if the offender cannot be prosecuted or punished.”*

In this act is foreseen the principle of “*double compensation.*”

*“With a view to avoiding double compensation, the State or the competent authority may deduct from the compensation awarded or reclaim from the person compensated any amount of money received, in consequence of the injury or death, from the offender, social security or insurance, or coming from any other source.”<sup>15</sup>*

We can notice that the normative acts in this field have been focused on sanctioning effective remedies for victim compensation in those cases when the compensation couldn't be taken by the offender for different reasons. This has been done, because the first way of compensation is something stated almost on all national legislation, but when comes time that states should establish funds that should be used for this category of persons they are thinking twice before a decision is taken.

### **3. Compensation of the victims according to Italian Legislation**

Italy as a member state of EU is obliged to apply the obligations raised by the EU normative acts. For instance, establishment of a system for compensation of the crime victims is an obligation for the state. On the CCP, it's foreseen as one of the rights of the victim to ask for compensation for the damages caused by the offender.<sup>16</sup> *“Either the person injured by the offence or his heirs may bring a civil action before the criminal court for restitution and compensation for the damage referred to in Article 185 of the Criminal Code against the accused and the person with civil liability for damages”.*<sup>17</sup> The Criminal Code contains general provisions on compensation for damage under Articles 185 and 186.<sup>18</sup> On the other hand the Italian legislator has approved a specific law as a need to fulfill the obligations raised by her membership on EU, In one of the sections of this law some articles are regulating the access of the

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<sup>15</sup> <https://rm.coe.int/1680079751> European Convention on the Compensation of Victims of Violent Crimes Strasbourg, 24.XI.1983, Article 9.

<sup>16</sup> Italian Criminal Code of Procedure, Article 90 bis

<sup>17</sup> Italian Criminal Code of Procedure, Article 74

<sup>18</sup> Italian Criminal Code, Article 185 *“Every crime, which has caused pecuniary or non-pecuniary damage, obliges the guilty party and the persons who, in accordance with the civil laws, must answer for his actions”.*

victim to ask for compensation in case of criminal offences according to the directive 2004/80/EC.<sup>19</sup>

Italian legislation states some conditions to be met in way that the victim to be eligible or not for the compensation:

- that the victim has an annual income, resulting from the last declaration, not exceeding that provided for legal aid.
- that the victim has already brought unsuccessfully enforcement proceedings against the offender in order to obtain compensation for damage from the obliged party by virtue of an irrevocable judgment or a provisional conviction, unless the offender has remained unknown.
- that the victim has not contributed, even culpably, to the commission of the crime or crimes related to the same, pursuant to art. 12 of the Code of Criminal Procedure
- that the victim has not been convicted by a final judgment or, on the date of submission of the application, is not subject to criminal proceedings for crimes such as civil war, criminal conspiracy or mafia association and for crimes committed in violation of the rules for the repression of evasion in the field of income tax and value added.
- that the victim has not received, for the same fact, sums paid for any reason by public or private entities (double financing principal).

The state has created a specific fund used for compensation of victims, intended for compensation of the victims as prescribed above.

During the years Italy has been part of some cases at ECJ in regard to the right of crime victims for compensation. After the trials at Italian court first instance a fixed rate was applied for compensation of the victims, decision which was appealed and sent up to the supreme court of cassation.

In one of the cases the victim of sexual violence resident of Italian state was asking compensation. The first instances applied a fixed rate compensation of the victims. The decision was sent to court of Cassation, the last through a preliminary ruling under Article 267 TFEU, asked the European Court of Justice for:

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<sup>19</sup> <https://www.gazzettaufficiale.it/eli/id/2016/07/8/16G00134/sg> Law 7 July 2016 no. 122 “Provisions for the fulfillment of the obligations deriving from Italy's membership of the European Union – European Law 2015-2016, Article 11-14.

*“Whether EU law must be interpreted as meaning that the rules on the non-contractual liability of a Member State for damage caused by the breach of that law apply, on the ground that that Member State did not transpose, within the appropriate time, Article 12(2) of Directive 2004/80 as regards victims residing in that Member State, in the territory of which the violent intentional crime was committed.”*

ECJ stated that *“the EU law must be interpreted as meaning that the rules on the non-contractual liability of a Member State for damage caused by the breach of that law applies, on the ground that that Member State did not transpose, within the appropriate time, Article 12(2) of Directive 2004/80 as regards victims residing in that Member State, in the territory of which the violent intentional crime was committed.”*<sup>20</sup>

As per above the state cannot use as a justification the fact that the directive is not transposed in a due time by the member state as a reason to avoid the obligation towards victims of such crimes.

We bring to the attention that it's the duty of the state to transpose the directives of EU, and we cannot deny to subject to benefit the rights that this directive foresees.

Second question, *“whether Article 12(2) of Directive 2004/80 must be interpreted as meaning that a fixed rate of compensation of EUR 4 800 granted to victims of sexual violence under the national scheme for compensation to victims of violent intentional crime is to be classified as ‘fair and appropriate’ within the meaning of that provision”?*

The court stated that *“Article 12(2) of Directive 2004/80 must be interpreted as meaning that a fixed rate of compensation awarded to victims of sexual violence under the national scheme of compensation to victims of violent intentional crime cannot be classified as ‘fair and appropriate’, within the meaning of that provision, if it is fixed without taking into account the seriousness of the consequences, for the victims, of the crime committed and does not therefore represent an appropriate contribution to the reparation of the material and non-material harm suffered.”*<sup>21</sup>

With this decision the court is giving raise to the need for individualization of the compensation based on an assessment of the damage that a person has suffered due to this offence, and avoiding application of fixed rates.

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<sup>20</sup> <https://curia.europa.eu/> C-129/19.

<sup>21</sup> <https://curia.europa.eu/> C-129/19.

In Case C-79/11 the Italian state was not clear about the way of implementation of decision of Council Framework Decision of 15 March 2001 “*on the standing of victims in criminal proceedings*” more concretely the article 9/1 of this decision.

The fact consisted on an accident which happened in a railway owned by a state company, during this accident the victims were employees of the railway, which were pretending before the court to receive a compensation for the damages from the owner of the railway/ state company. But during the process it was pretended that the Italian law does not foresee the right to ask for a compensation from legal entities.

Following the procedure, the Italian court submitted a request for preliminary ruling, raising the issues regarding the implementation of article 9 “*Right to compensation in the course of criminal proceedings*” of the Framework Decision 2001/220 on the standing of victims in criminal proceedings.

This article states that “*1. Each Member State shall ensure that victims of criminal acts are entitled to obtain a decision within reasonable time limits on compensation by the offender in the course of criminal proceedings, except where, in certain cases, national law provides for compensation to be awarded in another manner.*

*2. Each Member State shall take appropriate measures to encourage the offender to provide adequate compensation to victims.*

*3. Unless urgently required for the purpose of criminal proceedings, recoverable property belonging to victims which is seized in the course of criminal proceedings shall be returned to them without delay.*

The court was focused on interpreting the provision “*except where, in certain cases, national law provides for compensation to be awarded in another manner*”.

In its arguments the court concluded that “*It follows from the foregoing considerations that the answer to the question referred is that Article 9(1) of the Framework Decision must be interpreted as meaning that, under a system governing the liability of legal persons such as that at issue in the main proceedings, that provision does not preclude a situation in which the victim of a criminal act is not entitled to seek compensation for the harm directly caused by that act in the course of criminal proceedings from the legal person who committed an administrative offence.*”<sup>22</sup>

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<sup>22</sup> <https://curia.europa.eu/> C-79/11, pg.49

In this way the court, know to the victim the possibility to ask for a compensation even against legal entities, as long as the premises to benefit according to this decision are fulfilled.

## **CONCLUSIONS AND RECOMMENDATIONS**

The institute of compensation of victims in criminal law comes as a result of guaranteeing the rights of persons who have suffered harm from criminal offenses.

The criminal procedural reform in 2017 in the CCP brought about a significant improvement of the rights of the victim of the criminal offense, expanding the types of damages that could be asked with the civil lawsuit in the criminal process. The reform continued with the adoption of such acts by the General Prosecutor, which defined the notion of victim and encouraged victims to submit civil lawsuits in the preliminary investigation, filling the respective acts. In practice, it has been noted that the prosecution does not investigate and collects evidence for the civil lawsuit, leaving it an inefficient tool. Victims' compensation is a right that is regulated in international acts as well.

Albania's regulatory framework has failed to properly align with the EU's provisions on compensation for victims. Is not reached a harmonization in Albanian legislation with EU directives regulating the right to compensation of victims.

EU legislation provides for a full and effective compensation of victims from several sources, from the defendant and his assets, from the health and social care insurance fund, from special funds for criminal victims and from funds generated from state funds.

Compensation under Albanian legislation is realized by the defendant and his property, on the other hand, for some serious offenses from the special fund. These are the 2 sources of compensation, which do not allow the full and effective compensation of the victim for all criminal offenses.

Therefore, it is necessary to adopt a special law that would regulate the compensation of victims, for all criminal offenses and the ways of realizing this compensation and through a special fund set up with the state budget.

It is necessary to intervene in the legal system to establish an effective compensation system in accordance with international standards, which enables the compensation of victims and in cases where this compensation cannot be obtained by the defendant.

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