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Evis Garunja

Domestic Violence Situation in Albania

The Albanian Law of “Measures Against Domestic Violence
in the Family Relationship”





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Abstract

The phenomena of domestic violence negatively affect individuals, families, and community. DV has no connection with age, sex, gender, ethnic, race or religion background, economic status, education level or geography position but in most of the reported cases, women's are the victims. In 1995, after the significant political and social change, domestic violence emerged as an issue of concern in Albania. DV existed long before, but in 1990s families experienced significant stress and strain related to the transition, high unemployment rates, severe housing shortages, and escalating social unrest and violent street crimes.

KEYWORDS: *Domestic Violence, Law, Women, Protection Order, Courts Decision.*

Review I

by KATARZYNA GROMEK–BROC*

Domestic violence is a worldwide phenomenon that adversely affects the physical, psychological, economic and social integrity of the most vulnerable group of the society: women, children and the elderly. The impact that this phenomenon has on the personal and social life of the individual encourages different scholars to study it more thoroughly, to understand its causes and consequences, the costs it carries in personal and social life, and the institutional mechanisms to prevent and limit this phenomenon.

The study presented by the author, Evis Garunja, her first monograph, seeks to present a general picture of the phenomenon of domestic violence in Albania, passing through the stages of its development over the years, presenting the factors that affect it, its consequences and the institutional intervention offered to victims of domestic violence.

Because of the sensitivity, the topic represents to the Albanian society, and high priority and interest that civil society organizations have devoted to domestic violence, a contribution in this field will provide further assistance in recognizing the domestic violence situation such as the concrete mechanisms against violence, active actors that help to mitigate the consequences and the legal framework in force with its correct interpretation.

In this respect, the study is interesting for all scholars in Social Sciences, seeking to provide detailed information on the new law: “Measures against domestic violence” with recent changes, clearly illustrating how this law assists and orients the victim in reporting violence, protecting her/him and how to rebuild her/his life. An-

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other important element of the study is the institutional and legal cooperation between the actors involved in providing concrete services to victims of domestic violence, how this assistance can be obtained and how to guide a victim to report violence.

It is a well-known fact that violence has always been regarded as an intimate, highly closed affair, within the walls of the home and almost immeasurable in the number of the affected persons. Factors such as patriarchal culture, gender discrimination, economic situation, inhibitory mentality, educational level, *patrias familia* power in the family, have been identified as contributing elements to this phenomenon.

Victim's reluctance to report the cases of domestic violence is influenced by shame, fear of punishment, cultural norms and existing stereotypes. The latter factors create a wrong perception of a scale of the problem and lead to apathy in social and institutional action to face the reality. This instigated the author to provide as many qualitative and quantitative data in her study on the situation of violence in Albania, as she could, based on findings provided by certified sources, previous studies conducted by various institutions and organizations that work in the field of domestic violence prevention.

In terms of violence effects, its impact is social. It affects not only the victim but the entire family environment. It produces insecurity and instability in interpersonal relationships inside and outside the family. The social and personal psychological consequences are felt not only within the family but also outside it. The adult or the one who lives in an abusive environment affects his/her whole social circle and produces social inefficiency with severe consequences.

One in two (52.9%) Albanian women have experienced violence during their lives. According to the findings of the National Population-Based Survey on "Violence Against Women", Instat Albania, 65.8% of interviewed women experienced violence in their relationships during their lives, 47% experienced domestic violence from an intimate partner; 1 in 5 women had experienced physical and/or sexual violence and 18.2% of women had experienced non-partner violence. 18.1% of women had experienced sexual harassment during their lifetime and 12.6% of women had experienced persecution. The findings revealed that 1 in 2 women believe that violence between husband and wife is a private matter, and 46.5% of women believe that a woman must endure some violence

to keep the family united; 26.1% of women believe that a woman should be ashamed, or feel bad about talking to someone if she is raped (Instat, 2019).

One of the most alarming consequences of physical violence against an individual is death. “The purpose of punishment” may cause mostly this effect as well as cause serious harm to the victim’s health, and even more when the victims are women, children and the elderly. Health and mental damages can be the cause of further violence as well as a consequence of the violence exerted¹.

Childhood violence makes people prone to suffering from chronic diseases in adulthood (such as heart problems, lung or liver disease, cancer, obesity, high blood pressure, and high cholesterol). The immediate consequences are asthma, digestive problems, headaches, and flu. Stress from violence can also manifest itself in acute form and impair immunity and the nervous system. In addition to the physical suffering caused by these diseases, they also place a heavy burden on the entire society in the context of public health. One study found that 80% of young people who have experienced childhood violence suffer from at least one psychiatric disorder by the age of 21².

All forms of violence have socio-economic consequences. In children, this feels even more. Lack of school attendance, poor results, health problems (physical and mental), behavioral problems, limit the victim’s ability to contribute to society, affecting the well-being of the entire community. Globally, it is thought that the economic impact of physical, psychological and sexual violence on children has resulted in a loss of \$7 trillion annually, almost an unimaginable amount³.

Cases of domestic violence offenses, judged by years, are very high in Albania in relation to the total number of offenses. In 2015 among 6,943 criminal offenses, 1,300 of them were domestic violence, in 2016 among 6,634 criminal offenses, 1,488 were domestic violence and in 2017 from 6,632 cases, 1,412 were domestic violence offenses (Instat 2017)⁴.

1. https://childhub.org/sq/system/tdf/library/attachments/the_consequences_of_violence_28child_hub_review29.pdf?file=1&type=node&id=23351.

2. *Ibidem*.

3. *Ibidem*.

4. <http://www.instat.gov.al/media/4823/statistikat-e-krimeve-dhe-drejt%C3%ABsis%C3%AB-penale.pdf>.

Having identified this present problematic in Albanian society, the necessity to study is quite high. In this spirit, the study, through its methodology, provides a more detailed information about the phenomenon, based on the results of previous studies, analyses of quantitative and qualitative data obtained from large-scale participatory surveys, international and national literature on the real facts on dealing with this issue, showing successful cases and other important tools on achieving the required results.

The issue raised in this monograph on the first chapter is related to the phenomenon of DV over the years, taking care to provide a clear picture of the position of the Albanian woman in society and in the family. The author intends to offer some of the causes that cause this phenomenon, the forms of its exercise accompanied with statistical data showing the real situation of violence in the society. These data create clear premises for further understanding of the social and economic costs that violence generates on the individual (victim), family and entire society wellbeing.

The second chapter pays special attention to the legal framework in force. The chapter begins with an explanation of international law, part of the Albanian legal system to proceed further with the Albanian constitution, the civil code and the criminal code that recognizes the phenomenon of domestic violence, specifically sanctioning and punishing it.

The third chapter gives a detailed analysis of the administrative-civil law of “Measures against domestic violence in family relationships” as a clear legal standard offered by the Albanian legislation to the citizens affected in family relations by all forms of abuse. Determining the target protected by law, the forms and the ways of institutional assistance towards the victim, the procedure followed on providing legal assistance to the victim, the inter-institutional cooperation and the responsible structures for the rehabilitation of the victims and the perpetrators, are some of the issues that this law aims to resolve and the author of the study stress on explaining as clearly as possible.

The last chapter strongly emphasizes the implementation of domestic violence law in practice. Statistics on the issuance of protection orders, implementation of these court decisions in practice, identification of present problems during the execution of judicial decisions and the concrete services offered to victims of domestic violence granted new possibilities on improving the situation in re-

ality, and learning lessons on improving the fight against violence in family relationships. This critical attitude towards the situation, identifying problematic cases, successful stories and orienting towards supportive and integrative institutions on behalf of domestic violence victims contributes to providing and finding solutions to improve the created situation and to stop the critical phenomenon of violence in the Albanian society.

Because the home may be anymore the most unsafe place for the Albanian woman, all scholars should offer their contribution to providing concrete solutions. This is the ambition of the monograph of Dr. Evis Garunja. This analysis serves not only to humanities scholars, law professionals but also to any other interested person who wants to be informed on the domestic violence situation in Albania, the legal framework and the ways of its implementation.

Its publication by a foreign publishing house gives to this study an opportunity to gain greater recognition as well as the conveyed message conveys in itself.

For this reason, my opinion on this study consisted of, it will complement the interdisciplinary research framework with strong legal orientation on recognizing and inhibiting the phenomenon, so I recommend it with full confidence.

Review II

by ANGELO VIGLIANISI FERRARO*

«Home is the most unsafe place for an Albanian woman».

In her monograph, *Domestic violence situation in Albania. The Albanian law on “Measures against domestic violence in the family relationship”*, Dr. Evis Garunja reports on what the World Health Organization has called «a global health problem of epidemic proportions».

One in two (52.9%) Albanian women have experienced violence during their lives. According to a study conducted by INSTAT, with the support of UNDP and UNICEF on a target of 2590 women aged 15–49, about 56% stated that they had experienced at least one form of domestic violence. during their marriage or in intimate relationships. 50.6% stated that they had experienced emotional abuse in marriage or in their intimate relationships, 39.1% had experienced psychological abuse, 31.2% had experienced physical violence, and 12.7% had experienced sexual violence¹. Of the 991 children surveyed aged 10–14, 57.7% reported being physically beaten by a family member².

Domestic violence cuts across lines of class, race, and religion. A United Nations report in 2018 put it starkly: The most dangerous place for a woman is her own home.

In her first book, the author tried to describe the phenomena of domestic violence in Albania, to give a general background of the

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1. *Dhuna në familje në Shqipëri: vërtetim kombëtar*, INSTAT, Tirana, Mars 2009, fq. 25 (*Domestic Violence in Albania: National survey*, INSTAT, Tirana, March 2009, p. 25).

2. *Ibidem*, p. 51.

woman's position in Albanian society, the causes, forms, social and economic costs of domestic violence in personal and social level. Through statistical data, the author gives facts and evidence about violence in family relationships.

This book takes apart the myths that surround domestic violence: Restraining orders and shelters are not always effective responses. Domestic violence is a family matter. Physical violence can be called violence. Who beats you, loves you. Visible signs of violence point to the greatest threat.

Domestic violence, as a very sensitive phenomenon in Albanian society, was part of many studies, carried out by national and international organizations, many kinds of research and academic papers, offers to the authors a multidimensional approach.

Being a woman in Albania, during communism was not easy. She was very active in society but had not the same treatment as men do. The woman has had a professional position and a very active role in family life. This, made more difficult the woman's position on enjoying her rights and having equal treatment inside the family.

Evaluating the socio-political changes that Albania went through after the 1990s, the need to be focused on the wounds that afflict the whole society is very important. For this reason, studies and researches on understanding the phenomena with a significant impact on the daily life of the individual, families, and society was a necessity.

Exactly, the study we are discussing aims to highlight the phenomenon of domestic violence, the factors that caused it, the forms of its exercise, the position of women in the family and according to the history of this phenomenon over the years. Its first chapter goes on to provide statistical data on the real situation of violence, the social and economic costs that violence produces on the individual (victim), the family and society as a whole.

The methodology used is based on the collection of qualitative and quantitative data obtained from professional sources and analyses conducted by national and international institutions and organizations with experience in this field.

This study seeks to provide as much information as possible on both sides, socially and legally, by relying on the method of comparison and researching on all previous studies conducted in Albania on the domestic violence issue. Deeply studying the phenome-

non, recognizing the problems that accompany it, emphasizing the target affected by it, the special law and the legal basis relying on, the author aims to provide a more comprehensive study of the domestic violence situation and the legal framework that sanctions it.

For this reason, in the second chapter, the author aims to provide a clearer picture of the Albanian legal framework, from international law on domestic violence to the Albanian Constitution, civil and criminal law that sanctions and punishes it.

At the center of the third chapter is the civil-administrative law "Measures against domestic violence in the family relationship". The author of the study gives a clear explanation of all the constituent elements of the law, the supported target group, the rights of the victim, the duties and responsibilities of each responsible institution, the coordination procedure on assisting to the victim, police and the court's duties, and the enforcement of judicial decisions providing legal protection to the applicant.

The last chapter looks at the implementation of this law in practice. The provision of statistics on the issuance of protection orders, the enforcement of judicial decisions in practice, the problems encountered in the enforcement of judicial decisions and the concrete services provided to victims of domestic violence constitute a very important element in the perception and measurement of the outcomes of the law. Identification of problematic situations, successful cases and the inclusion of responsible institutions on offering assistance to the victims of domestic violence, provision of rehabilitation services for the victim and perpetrator, integration of the victim, of her/his family into normal life are some of the social expectations on the results of the implementation of the law. Analyzing the problems created by enforcement law gaps, its positive and successful results, inter-institutional cooperation, reintegration into the normality of the victim, abuser, and family, helps to assess the social impact and real effectiveness of the law on "Measures against violence in family relationships".

Making home the safest place again for the Albanian woman, accepting the problem, knowing it and its legal effect must be followed up in any research related to domestic violence. The monograph of Dr. Evis Garunja aims to serve and assist any interested researcher, professional, and citizen on knowing the problem, its evolution, the legal solutions, successful cases as well as ongoing problems. The analysis is of interest to humanities scholars, law

professionals, social science scholars or other experts operating in the field, who are in contact with this phenomenon.

Its publication by a foreign publishing house gives to this study an opportunity to gain greater recognition as well as to the message itself.

For this reason, I have full confidence that the study will complement further the interdisciplinary research framework by providing a mix of legal and social treatment with a focus on providing concrete solutions to stop the phenomenon of domestic violence, so I firmly recommended it.

Methodology

The study's methodology is a combination of qualitative and quantitative methods, a combination that has helped me to study the phenomenon of domestic violence in social as well as legal terms. First of all, the study aims to give an overview of the general understanding of this phenomenon and to identify the forms, effects and its overall consequences. Thus, the first goal remains, bringing into the attention's reader the situation of domestic violence in Albania and the legal changes obtained to curb the phenomenon until the mitigation of its consequences till to the reducing of identified cases. It is a fact that such a legal change is urgently demanded by all the interest groups as an effective tool in the fight against domestic violence as a rehabilitation opportunity for its victims and awareness opportunity for the whole society. A significant contribution to this study is provided by the literature consultancy in this area, a comparative study of doctrine and case law in the field of human rights, especially of women to identify the mechanisms that the law in force provides on guaranteeing them. Part of the qualitative methods of the study is focused on understanding the social status of domestic violence victims in Albania, the barriers and facilitators to such situation, and strategies to improve it. To this end, the study examined government gender violence programs, their capacity to include people in need, and the responses of the targets affected by violence. The study adopted a mix of primary and secondary research methods to find answers to a set of broad and specific research questions. It started with a preliminary literature review, on the phenomena of domestic violence in Albania, the involvement of government officials, NGO representatives, beneficiaries of services and peo-

ple in need. The study will give lived experience of the author as part of the activists who are working to decrease the number of victims and the beneficiaries of services on protection against domestic violence.