



ENDING DOMESTIC VIOLENCE IN ALBANIA

THE NEXT STEPS

STOP VIOLENCE
AGAINST WOMEN

AMNESTY
INTERNATIONAL



**Luli had been beaten by her husband for more than three years:
'I heard about the new law – I saw something on TV about the
protection law for women, and I knew I had to go to the police.'**

In November 2009, a 45-year-old mother of four children from the village of Goc near Korçë in Albania, was beaten by her husband with an iron bar. Her neighbours heard her screaming and raised the alarm; she was subsequently taken to hospital severely injured. Such violence against women is not uncommon in Albania: around one in three Albanian women are victims of domestic violence.

Three years after the introduction of the Law on Measures against Violence in Family Relations (Domestic Violence Law), this document assesses the progress made by the Albanian authorities in addressing this widespread human rights abuse. It includes recommendations to the Albanian government on how to improve implementation of the law, to ensure the protection of all women subjected to domestic violence, and to make domestic violence a specific criminal offence.

The Domestic Violence Law was adopted by the Albanian parliament in December 2006 and entered into force on 1 June 2007. The law was the result of a long campaign by a

coalition of non-governmental organizations (NGOs), resulting in a petition to the Albanian parliament signed by over 10,000 people.

This civil law represented significant progress towards the prevention of family violence in Albania, in particular through the introduction of protection orders. This document focuses on its impact on women suffering domestic or intimate partner violence.

"I decided many times to leave – I asked my family and my husband's family – and they could not help, so I returned to him,

hoping he would change. He used to promise me he would change; but after a week he would be just the same."

Loreta

Since the introduction of the Domestic Violence Law, there has been a significant increase in reported incidents of domestic violence. In 2007 the police reportedly received 274 reports of family violence after the law came into force in June. Comparable figures exist for the first nine months of each subsequent year: between

ALBANIA'S INTERNATIONAL OBLIGATIONS

Albania is a state party to human rights treaties, including the UN Convention on the Elimination of All Forms of Discrimination against Women, under which the authorities have a duty to prevent and protect women from all forms of violence – including by their husbands, partners and other family members. Measures to combat violence against women are set out in human rights law and international standards, such as the UN Declaration on the

Elimination of Violence against Women, and regional standards of the Council of Europe. Such measures include eradicating attitudes which encourage the persistence of violence against women, ensuring adequate penal sanctions so that perpetrators are prosecuted and women are guaranteed access to reparations, including appropriate medical and social services to help them rebuild their lives – delivered with respect and dignity.



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above: A television news interview with a woman from Goc, hospitalized after being beaten by her husband with an iron bar, November 2009.

January and September 2008, police registered 614 reports. By September 2009, some 993 cases had been reported. Both Albanian women's NGOs and the police interpret this increase as a greater willingness and confidence on the part of abused women to report domestic violence.

Reports received by the police reflect only a very small proportion of the true number of cases of domestic violence. The majority of women, particularly in rural areas, where the taboo against even talking about domestic violence remains strong, are still reluctant to report domestic violence to the authorities.

WOMEN SPEAK OUT

"I always hoped he would change – until it came to the last straw. I couldn't live with it anymore. I was eight months' pregnant, about to give birth, and he threw the table at me. I was so scared for the baby. Women should denounce violence. They should not live with it for so long; they should not let anyone devalue them."

Luli, aged 26, Elbasan shelter

According to the NGO Counselling Centre for Women and Girls, more women are now reporting incidents of domestic violence because they know, partially as a result of awareness campaigns, that they are entitled to legal protection. The majority of such reports are made by women living in the capital, Tirana.

By September 2008, for example, over 502 out of 993 reports of domestic violence were received by Tirana police. However, women in other towns, including Shkodër, Pogradec, Vlorë, and Tropojë are reporting domestic violence in increasing numbers. Many of these complaints are made by women who have been subjected to domestic violence for many years, but only now have the courage and confidence to report it, believing that something may be done to help them.

This new confidence is in part due to action taken by the State Police, under the Ministry of the Interior. In August 2007 the Director of the State Police reportedly ordered all police officers to investigate carefully every report of domestic violence.

Subsequently, in November 2007, the first specialist unit dealing with domestic violence and the protection of children was established within the Tirana police force. In Tirana, a Co-operation Agreement has also been signed between the police and two NGOs – the Counselling Centre for Women and Girls and the Centre for Civic Legal Initiatives (CCLI). This ensures, among other things, that women who make complaints to the police are referred to the CCLI for free legal representation in petitioning for protection orders, and that they receive appropriate counselling and referrals from the Counselling Centre.

Specialist police units for the protection of children and domestic violence were established by the end of 2008 in other major urban centres and police districts, but in rural areas the implementation of the law, and information about its provisions, are patchy.



The numbers of calls for help received by NGOs continue to be higher than complaints made to the police. In the first 11 months of 2008 in Shkodër, for example, 41 cases of domestic violence against women were reported to the police. However, in the previous year, the NGO Gruaja tek gruaja (Women to Women) in

Shkodër received 269 telephone calls, and provided direct counselling to 222 women. It also appears from Amnesty International's interviews with abused women, and from police and NGO reports, that women escaping domestic violence still prefer to divorce their husbands rather than initiate civil or criminal proceedings against them.

THE DOMESTIC VIOLENCE LAW

The Domestic Violence Law established a mechanism to provide victims of family violence with a protection order, which may be granted by a civil court on the petition of a victim of such violence. The court must hear the petition within 15 days. There is also a provision for emergency ("immediate") protection orders to be issued within 48 hours by a court, if the abuser presents a "direct and immediate threat to the security, health or well-being" of the victim. The court must hold a further session within 20 days to decide whether to prolong or terminate the order.

A protection order may include, among other measures, the removal of the perpetrator from the house inhabited by the victim (regardless of the perpetrator's property rights), prohibiting the perpetrator from approaching within a certain distance of the victim or other family members, prohibiting the abuser from entering or staying in the temporary or permanent residence of the victim, or any part thereof, placing women together with children in temporary shelters, or ordering the abuser to participate in rehabilitation programmes. Violation of a protection order is a criminal offence punishable by a fine or up to two years' imprisonment.

PROTECTION ORDERS

"In December 2009 I went to the police station for the first time. My cousin worked there and he told me about the protection order. But first a police inspector came with me to the house and talked to my husband, who promised he would not touch me again. But of course he continued to be violent and after he beat me on 6 January because I hadn't put his dinner on the table, I decided to leave for good. I went to the police station and denounced him, then I saw a forensic doctor – who testified to my injuries in court – and by 2pm on 7 January, the court issued a protection order for me and my son."

Loreta, who said she had been beaten by her husband throughout the 10 years of their marriage. She chose not to prosecute her husband.

The introduction of protection orders is an important step towards ensuring the right of Albanian women to live without violence. In July 2007, Tirana District Court issued the first emergency protection order under the new law. The protection order was issued for two weeks and prohibited a man from threatening, attacking or



communicating directly with his ex-wife and two children. At the subsequent court hearing, two weeks later, the court prolonged the protection order for a further three months.

Since that date, hundreds of women have applied for protection orders against husbands/partners (or former husbands/partners), the majority from Tirana and other cities. In the first three months of 2008, 61 out of 74 petitions for protection orders were made in Tirana. Because statistics are not broken down by petitioner, the following statistics also include petitions made, for example, by women petitioning for protection from their in-laws, or fathers and mothers petitioning for protection from violent sons. According to press reports of official figures, in the first nine months of 2008, 253 petitions were filed, 168 in Tirana and 71 in Durrës. According to the Ministry of Justice, almost half were for emergency protection orders. In 2009 the police initiated 740 protection orders (494 of which were filed in Tirana).

According to Tirana District Court statistics on petitions for protection orders from

1 January 2009 to 31 December 2009, out of a total of 494 petitions, 127 (25 per cent) were granted; 310 dropped; 29 refused, and 28 proceedings not concluded.

At present, the relatively high number of protection order petitions dealt with by Tirana District Court is not found elsewhere in Albania. By contrast, in the provincial town of Berat, protection orders were not issued until 2008, after the Network Against Gender Based Violence had provided training to relevant professionals; and then only three petitions were made to the court in the first nine months. Elbasan NGOs told Amnesty International that the local court did not start issuing protection orders until 2009, when 26 such orders were issued.

Yet, although significant numbers of women have applied to the courts for such orders, most have subsequently withdrawn their petitions. Measures need to be taken to ensure that women have the legal and other support they need when filing petitions, and that protection orders, when issued, are enforced.

above and page 4: Three of the women interviewed in an Albanian television documentary on domestic violence, 2009.

PETITIONING FOR A PROTECTION ORDER

In November 2009 the CCLI published their analysis of 448 petitions made for protection orders at Tirana District Court between 30 April 2008 and 1 June 2009. The CCLI found that a typical petitioner was a married woman aged between 31 and 40, with two children, educated to at least secondary level, in employment and from an urban background. Almost 10 per cent of petitioners were divorced (but often, mainly because of their lack of financial independence, still living at the same address as their former husband). Such petitions sometimes also included requests for the protection of both the woman and the couple's children.

The CCLI found that in 80 per cent of the 448 petitions, a protection order was not issued.

However, this was not because the court rejected the petitions (this occurred in only five cases) but because women withdrew their petitions (27 per cent of cases) or failed to attend court hearings (more than 46 per cent of cases).

The reasons for withdrawal are not provided in the court records but Amnesty International and CCLI consider that some women may withdraw or fail to come to court because of pressure on them from the perpetrator or their family. Others withdraw because of their economic dependence on the perpetrator or the violence or for lack of trust in the ability of the police to offer adequate protection.

Some women withdraw their complaints after the initial court hearing, as the perpetrator is sufficiently intimidated to refrain from violence or is at least less violent. However, in several such cases CCLI found that women who had withdrawn from proceedings had later submitted another petition, when the violence resumed. Other NGOs have observed that some petitions are dropped after court attempts to reconcile the couple, despite recommendations in the “Bench Book” (judicial guidelines published by the Organization for Security and Co-operation in Europe, OSCE) that such attempts are not appropriate in this context.

NGOs are concerned that when a woman reports domestic violence, police tend to routinely initiate a petition for a protection

order, although in some cases other remedies, including criminal prosecution, might be more appropriate.

According to CCLI, a considerable number of women applying for protection orders had no legal representation at their first court appearance, nor were they accompanied by social workers. Petitions were initiated by private lawyers in only a few cases, and none by prosecutors in cases where criminal complaints were in progress. CCLI suggests that the absence of legal assistance (and free legal aid, currently only available via some NGOs) may affect women’s decisions whether or not to proceed with their petition (or indeed whether to initiate a criminal prosecution).

CCLI found that in over 58 per cent of the 90 successful petitions ordered by Tirana District Court between 20 April 2008 and 1 June 2009, protection orders were granted for a period of one year; other emergency protection orders were granted for as few as 15 days, and others – although this is not covered in the law – for the period until a divorce had been granted.

However, unless an immediate protection order is granted, women remain at risk until the court order is actually implemented. Court proceedings are often protracted. According to Tirana District Court statistics for 2009, 203 cases were concluded within two months; 191 within two to six months; 72 in over six months; and 32 were appealed.



ENFORCING PROTECTION

In the early hours of 14 August 2009 Sotiraq Kurila broke into the family home, following the execution of a protection order granted in July by Durrës District Court which excluded him from the house. His wife Aleksandra had applied for the protection order after repeated incidents of domestic violence. Sotiraq Kurila allegedly attempted to kill Aleksandra with a knife, seriously injuring her and one of their daughters – who defended her mother by allegedly hitting her father on the head with a heavy object.

Sotiraq Kurila was charged with attempted murder, ill-treating a minor and breaching a court decision.

Amnesty International is also concerned about problems related to the enforcement of



left: Women from Kashar, near Tirana, discuss domestic violence at a meeting organized by UNICEF, the UN Children's Fund, 2004.

protection orders. In some cases, problems are procedural: for example, courts are required to send copies of a protection order, including emergency protection orders – within 24 hours of issue – to the victim, the police and social services, and their failure to do so creates delays in the execution of court decisions.

Despite their assistance to women in filing petitions for protection orders, the police are insufficiently resourced and not always trained to enforce protection orders. In September 2008, for example, following the increase in reported cases and subsequent protection orders, Durrës police reported difficulties in providing the necessary surveillance and protection of victims. Furthermore, the police generally fail to open criminal proceedings against perpetrators who break protection orders,

who on conviction may be sentenced to a fine or imprisonment.

However, the major problem is the weakness of most protection orders, caused in part by a combination of discrimination and pragmatism on the part of the judiciary. Some judges are reluctant to order the eviction of the abusive partner from the family home, although this is provided in law. In other cases, recognizing that the scarcity of housing and low incomes mean that whoever leaves the house will often find themselves homeless, judges thus often make orders for the perpetrator to live in one part of the apartment (and the victim in the other).

According to Arian Calaj from the NGO Tjeter Vizion (Different Vision), "The fact that the victim will have to live under the

same roof as her abuser does not give her a chance. This happens because the state does not have any structures in place to respond to the needs not only of the victim but also of other members of the family – shelters, advice lines, rehabilitation programmes for victims, their children and the abusers."

As Edlira Haxhiymeri of the Tirana Shelter told Amnesty International, "The Protection Order is misinterpreted. In many cases the woman is the one who has to leave the house together with her children and look for emergency accommodation, while the perpetrator continues to live as before without any consequences."

However, women living in shelters told Amnesty International that they did not want to go back to their family home. They did not feel safe enough or confident enough in the authorities to stay in their own homes, and were granted a protection order covering their stay in a shelter.

According to Sevim Arbana of the NGO Useful to Albanian Women, "Our organization is in principle against sheltered accommodation, because by leaving home victims of domestic violence give themselves yet another major problem: they lose the home, their husband brings in another woman or he can sell it. We don't accept that they should go to shelters, the law says that the abuser should leave the home, not the victim."

JOINED-UP GOVERNMENT?

"Albania is a country with great laws: the challenge is the implementation of the law. The law against domestic violence is a very good law but requires a lot of effort, information and passion to be applied. It entered into force in June 2007 and since then we have seen very little commitment from the authorities, with rare cases, such as the municipalities of Vlorë, Shkodër, Berat and Rrëshen, who have dedicated small amounts of money to the issue."

Iris Luarasi, Counselling Centre for Women and Girls

The Domestic Violence Law envisages a network of authorities – including the Ministries of the Interior, Health, Justice and Education – “responsible for the prevention of family violence and the protection, support and rehabilitation of victims”. The Ministry of Labour, Social Affairs and Equal Opportunities (MLSA) holds the leading role in eradicating domestic violence through developing and implementing the “National Strategy on Gender Equality and the Eradication of Domestic Violence 2007-2010”. The MLSA is responsible for co-ordinating responses from relevant government departments, but this institutional co-operation has yet to be fully established.

The MLSA is also responsible for ensuring that relevant professionals are trained, usually by NGOs and funded by international donors. The CCLI, for example, was

licensed by the MLSA in November 2007 to organize and develop training courses for professionals in the justice system. In 2008 the UN Development Programme funded training for a further 984 government staff responsible for implementation of the law, including medical professionals, police, judges and prosecutors.

In 2008 the MLSA also launched a nationwide campaign to promote awareness of the law, including TV spots, roundtables and the distribution of leaflets on protection from family violence, in co-operation with the OSCE. However, the MLSA has not discharged its responsibility to finance the infrastructure to support the law, including the provision of services.

“The government institutions are not fulfilling their obligations when it comes to the implementation of the law. Many of the practical solutions within the law have not been provided. [For example,] rehabilitation centres for violent men after the protection order has been issued, are not in place.”

Voksia, Elbasan Counselling Centre

These sentiments are echoed in a 2009 report by some 70 NGOs, which consider that the law is failing because the authorities have failed to discharge their responsibilities under the Domestic Violence Law.

The Ministry of Justice, for example, has failed to secure lawyers trained in domestic violence issues to provide free legal aid; in

2009 no victims were defended by a court-appointed lawyer, and the 2008 law on legal aid is not yet in force.

The Ministry of Education has not yet fulfilled the legal requirement to establish programmes and prepare materials for secondary and high schools to educate pupils/students about domestic violence.

EUROPEAN UNION MEMBERSHIP

In November 2009 the European Council agreed that Albania should be considered for European Union (EU) candidate status. This places additional responsibility on the Albanian authorities to ensure that legislation and practice conforms to EU standards. On 26 November 2009 the European Parliament adopted a resolution calling for all forms of sexual violence against women, including rape within marriage or other relationships, and those committed by male family members, to be recognized as crimes in all member states. The resolution also encouraged the provision of free legal aid to all women suffering from these forms of violence, to ensure that such violence was prosecuted.

Albania is also a member of the Council of Europe which in 2008 adopted a resolution on establishing a framework convention to combat all forms of violence against women.



The Ministry of Health first promised in January 2008 to prioritize policies to enable medical professionals and health care workers to identify and register cases of domestic violence, and to provide specialized services. In both 2008 and 2009, however, health clinics nationwide registered only some 100 cases. According to local NGOs, few health centres had capacity to provide the required medical assistance; most failed to make referrals to other support services or complete the required documentation. This meant that women were not given the necessary medical reports for use as evidence in court hearings for protection orders.

Similarly, local government social welfare departments have largely failed to set up social services structures required under the law. These include installing regional

24-hour toll-free telephone lines (so far only established in Elbasan) with links to local police, medical emergency units and NGOs; and establishing social and rehabilitation centres for victims and perpetrators. According to an Elbasan NGO, “Social services always come back to us, the NGOs, and we fill the gap instead of them.”

Meanwhile, NGOs have taken the lead in co-ordinating the development of services at a local level. Funded by the UN Development Fund for Women, the Network Against Gender-Based Violence and Trafficking has established a pilot referral system in Berat, Pogradec, Shkodër, Rrëshen and Vlorë. These “Councils against Domestic Violence” include government representatives, police, district prosecutors, court officials, health and education organizations, employment offices, and

above: Training for state social services on how to recognize and address domestic violence, organized by the UN Development Programme, 2008.

NGOs, who also provide training to relevant professionals. Between September 2008 and December 2009, 204 cases (91 per cent women and girls) in these five areas were referred to the appropriate bodies. The project has also reached women who were previously unlikely to report violence: some 76 per cent of referrals were rural women, 50 per cent were unemployed.

One or two municipalities have given NGOs small grants to assist their work with victims of domestic violence, but such funding is limited and further assistance, including the provision of shelters, is needed.



WOMEN NEED SHELTERS

In August 2009, Luli, a 26-year-old mother with a baby, fled to the police station seeking assistance and a protection order after her husband had thrown her out of their home in Durrës. She told Amnesty International that her husband had been violent to her after the first month of their three-year marriage. She decided to leave him when he had come home drunk and beat her with his belt when she was breast-feeding her son. "It was the last time I allowed this to happen." Her mother had refused to let her return home, telling her she should stay with her husband. With no shelter in Durrës, Luli spent three nights sleeping in the hospital (where the police found her a bed because her six-month-old son was ill), before she was found a place at a shelter in Elbasan, around 70km away, where she was taken after being granted a protection order by Durrës District Court.

There is a desperate need for shelters in Albania. Few women can expect support from their families, and although NGOs provide counselling to victims of domestic violence, there is most often nowhere for women fleeing violence to go.

In November 2009 "Mirela", from Tirana, had to seek refuge at the Hapat e Lehte counselling centre in Shkodër (over

above: Leaflets distributed to women in Albania by Amnesty International and other NGOs.

100km away). Her husband had repeatedly beaten her and tried to force her into prostitution. In late 2009, the Elbasan shelter – funded by the Italian Ministry of Foreign Affairs – was the only fully operating shelter specifically for victims of domestic violence. The NGO-run Tirana shelter had its funding withdrawn in July 2009, and was only able to provide temporary shelter in a few



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In October 2009 Lirie Neziri and her four children sought refuge from her repeatedly violent husband at a hospital in Pukë, where they spent a week sleeping on the floor in a corridor. Following media coverage, the police arrested her husband, and she and the children were given temporary shelter at a social centre in Shkodër.

emergency cases. Women like Mirela had to seek shelter in other towns until January 2010 when the Tirana shelter reopened, funded by a Swiss NGO.

Some women have been accepted into shelters caring for trafficked women. But in most towns, there is no provision. NGOs in Durrës have called for a shelter to be established in their town, where in the

absence of a shelter, police officers, lawyers and NGO employees were in December 2008 reported to be sometimes temporarily sheltering women in their own homes.

In December 2009, the MLSA announced plans for a National Centre for the Rehabilitation of Victims of Domestic Violence, designed to accommodate up to 50 women, including trafficked women,

and due to open in June 2010. Some NGOs have expressed concerns about this project, preferring the establishment of smaller local shelters. Women fleeing domestic violence and trafficked women have very different support and counselling needs. Such needs should be separately provided for, preferably in smaller local shelters – also reportedly promised by the MLSA in December 2009.



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WOMEN NEED ECONOMIC INDEPENDENCE

"I don't know what my future looks like. I'm 50 and I'm worried that no one will help me. I'm training as a chef and learning Italian. I've been to social services to register for employment, and I've applied for benefits [as I have rheumatism], but it's very difficult to qualify if you don't know the right people. The most difficult time is when you leave the shelter – you are alone without support, without housing, without employment, and it's very difficult to cope. Many women end up in the street again, just where they started. The government needs to help women, maybe with some sort of social payment, or with low rent accommodation."

Besa, who left her husband after 29 years of violence

Domestic violence is one aspect of the widespread discrimination against women in Albania. Such discrimination often prevents women from reporting domestic violence to the police, applying for protection orders, filing criminal complaints or leaving their abuser. But it is their lack of economic independence – often a result of discrimination in education

and employment – which makes it even more difficult for women to leave violent situations. Even those able to leave face severe difficulties in finding somewhere to live, gaining employment and retaining custody of their children.

"Women who want to escape violence cannot afford the tax payable to the court to dissolve the marriage. They even have to pay out of their own pockets for the psychologist who asks the children which parent they want to stay with; Most of the time men do not pay the alimony set by the court."

Voksia, Elbasan Counselling Centre

While Besa will get help for six months after leaving the shelter to pay for a rented apartment, others are not so fortunate. Women escaping violence are not given priority with access to social housing, any specialized assistance from health professionals or help with the costs of health care. They have not received financial assistance from the state (although in March 2010 it was announced that several hundred women were due to receive a monthly payment of 3,000 lek (€21) under amendments to the law on

above: The Counselling Centre for Women and Girls in Tirana facilitates the working group meeting of NGOs working on domestic violence in Albania, June 2009.

economic assistance). Rather, women find support from specialized NGOs including Refleksione (Reflections) and Useful to Albanian Women who help them gain access to education, training and employment.

"I feel much calmer now, and will stay in the shelter until my divorce is finalized. I don't think it would be good to go back to Durrës, but wherever I go I know I'll have problems getting a job. I think that the law should provide more protection, prioritization with health and employment. It's not enough to get a protection order."

Luli

However, until systemic institutional and social discrimination against women, including in access to employment, housing and health care, is addressed by the government, many women, and their children, will be unable to escape from violence in the family.



Individual counselling session at the Counselling Centre for Women and Girls in Tirana, November 2008.

CRIMINALIZATION OF DOMESTIC VIOLENCE

“The protection order helps to reduce violence, but it does not penalize it. This is still a very great problem. The criminalization of domestic violence would help to reduce domestic violence. It would be a much-needed coercive measure.”

Evis, Elbasan Counselling Centre

Amnesty International considers that in order to provide women with further protection, the Albanian authorities should introduce amendments criminalizing domestic violence into law. Further, the absence of such law contributes to the failure of the Albanian authorities to recognize the full extent of violence against women in the family.

Three years after the introduction of the civil Domestic Violence Law, it is impossible to tell from available data whether there has been any increase in criminal prosecutions for domestic violence. Cases of domestic violence are currently prosecuted under applicable offences defined in the Albanian Criminal Code (for example, murder, assault and threat), court statistics do not reveal how many of these prosecutions and convictions are related to domestic violence. Amnesty International requested information on such prosecutions from the authorities in January 2010, but had not received a response by March 2010.

VIOLENCE LEADING TO SUICIDE

There has been an increase in prosecutions of men who, through domestic violence, have induced their wives to commit suicide. In December 2007, Tomorr Merja was convicted of having induced his wife, Ornela Prifti, by repeated ill-treatment, to commit suicide; he was sentenced to 20 months' imprisonment. According to a local NGO, in January 2008 there were 12 registered cases of attempted suicide by female victims of domestic violence in Elbasan district alone. In November 2009, the Kukës Counselling Centre for Women and Girls reported five suicides and 13 cases of attempted suicide due to domestic violence in their district over the past two years.

In December 2009, Petrit Goga was prosecuted for inducing his wife Mimoza to commit

suicide, through repeated ill-treatment. According to reports in the daily newspaper *Metropol* his sister-in law, a witness at the trial at Tirana District Court, told the judge: “You know, sir, that all women in our country are beaten by their husbands. It's normal...Your husband comes home in a bad mood, or tired from work, and when he isn't pleased, he beats you. That's what Petrit did to his wife. He beat her late at night. He sometimes came home from work drunk. He bolted the door and then he would beat his wife.” She told the judge that Mimoza had been beaten the night before she drowned herself. The judge asked her if her own husband beat her. “Well, you know the answer. It's pointless to tell you twice. I'm also beaten by my husband.”

The statistics currently available do not clearly show how many criminal prosecutions were initiated (following complaints to the police) or the outcome of those prosecutions. According to police sources, for example, between January and May 2008, 51 criminal proceedings related to incidents of domestic violence were started in Tirana District Court, but no statistical information is available about the outcome of prosecutions in these cases.

Press reports suggest that relatively few complaints of domestic violence lead to criminal prosecutions, unless they result in

death, serious injury or threats to life, in which case there is a duty on the prosecutor to initiate a prosecution. In cases where the physical injury inflicted on the woman is defined by Albanian law as “light” – in that the injury makes the victim unfit for work for less than nine days – the public prosecutor is not required to initiate a prosecution; the victim must initiate the prosecution. Women are often reluctant to do this for fear of reprisals or other family pressures.

Indeed, the new law may have made prosecutions in such cases less likely.

According to the OSCE and local NGOs, for example, some police and prosecutors reportedly wrongly believe that initiating a civil case for a protection order precludes the opening of a criminal prosecution. Indeed, out of 228 petitions for protection orders made to Tirana District Court in 2008, only 32 were accompanied by criminal prosecutions

This may, however, be what women prefer. Many are reluctant to prosecute their husbands, and would rather just get a divorce: as Loreta told Amnesty International, “I just wanted him to get on with his life.”

According to Edlira Haxhiymeri of the Tirana shelter, “When the woman goes to the police, and her family gets involved, she only applies for the protection order and [the family] usually want to close the matter in peace and quite quickly. So the most they would apply for is a divorce; you very rarely hear about a prosecution and a protection order.”

Criminalization of domestic violence does not yet have universal support from either government officials or all NGOs, but there is some support within the government – including from the Deputy Minister of Labour and Social Affairs – to amend the Criminal Code so that domestic violence is recognized as a criminal offence. Some NGOs and lawyers working with victims of domestic violence are also in favour of the criminalization of repeated or “systematic” domestic violence, including psychological

AMNESTY INTERNATIONAL’S POSITION

Amnesty International welcomes initiatives aiming to eradicate/address domestic violence.

The organization does not generally and in all circumstances call for domestic violence to be made a specific offence. Rather, Amnesty International stresses that existing criminal law (related to crimes such as murder and assault) should be applied consistently to violence against women in the domestic sphere and/or by partners or family members. Domestic violence should not be treated exceptionally, or more leniently than other forms of violence or violence against men.

While stressing the importance of the consistent application of criminal law in cases where women are victims, in some country contexts Amnesty International also supports calls for additional legislation specific to domestic

violence, making it a specific offence, given its specific characteristics and prevalence.

By making domestic violence a specific crime, the Albanian state would emphasize society’s condemnation of this pervasive and unacceptable phenomenon. Moreover, to address domestic violence effectively it is important to have sound data on its incidence and on measures taken to prevent and punish it. Court records provide one source of such information, and by making domestic violence a specific offence the authorities would facilitate the collection of this data.

The state should provide all reasonable measures to protect women against being intimidated or coerced into withdrawing complaints but they should not be prevented from withdrawing if they choose to do so.

and economic violence, which cannot be prosecuted under present legislation.

The fact that domestic violence has not been recognized as a specific criminal offence in Albania has serious consequences. It results in the continued violation of women’s rights to physical and mental integrity and in some cases a violation of their right to life. The recognition of domestic violence in the Albanian Criminal Code would ensure that this offence is treated with as much gravity as other violent assaults.

Criminalization would also enable the Albanian authorities to more effectively monitor, analyse and eradicate domestic violence, in that its incidence would be revealed in court statistics.

Explicit criminalization of domestic violence would emphasize society’s condemnation of this pervasive and unacceptable abuse of human rights. It might also – like protection orders – give women the confidence to file criminal complaints and thus ensure victims more effective access to justice.

CONCLUSION

Four years after Amnesty International's report *Albania: Violence against women in the family: "It's not her shame"* (Index: EUR 11/002/2006) and three years since the Domestic Violence Law was introduced, Amnesty International notes that some progress has been made in addressing domestic violence. More women now have the confidence to report domestic violence to the authorities. Yet, despite the growing number of petitions made for protection orders, the Albanian government needs to take further measures to implement the law and ensure the prevention of, protection from, and prosecution of domestic violence.

cover: View of Tirana, Albania's capital, February 2008. © Alfredo Caliz/Panos

RECOMMENDATIONS

Amnesty International urges the Albanian authorities to:

- introduce into the Criminal Code amendments criminalizing domestic violence, including systematic psychological and economic abuse;
- remove the responsibility from the victims of domestic violence to initiate prosecutions in cases of "light bodily injury";
- strengthen the law on the contravention of protection orders;
- ensure that the Ministry of the Interior and the Ministry of Justice collaborate in the compilation of statistics, disaggregated by gender and ethnicity, of reports of domestic violence, and subsequent action, including prosecutions and convictions and/or petitions for protection orders;
- improve procedures, increase resources and continue training the police, prosecutors and judiciary to ensure the effective enforcement of protection orders;
- guarantee free legal aid to victims of domestic violence;
- undertake research into the withdrawal of criminal complaints and petitions for protection orders.

Amnesty International calls on the MLSA, in co-operation with NGOs, to:

- establish or support local domestic violence shelters, and a 24-hour nationwide hotline;

- provide adequate resources to programmes to ensure the economic independence of victims of domestic violence, including access to training and employment, and ensure their eligibility for social assistance and social housing;
- establish an integrated interministerial system of recording cases of domestic violence ensuring that statistics are regularly published, and inform government policy in combating domestic violence;
- initiate and support further awareness-raising on the provisions of the law on domestic violence and measures for protection (including protection orders), in particular in rural communities.

Amnesty International urges the European Commission to:

- monitor measures taken by Albania to prevent domestic violence, to protect women and to prosecute domestic violence;
- support financially the establishment of shelters and sustainable long-term housing;
- assist in the development of programmes to ensure the economic independence of all women including victims of domestic violence;
- assist the authorities in the implementation of the National Strategy on Gender Equality and the Eradication of Domestic Violence and the Action Plan against Violence in the Family.

STOP VIOLENCE
AGAINST WOMEN
AMNESTY
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Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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