

Women's Rights are Human Rights

A Monitoring Study of the Protection Orders and Immediate Protection Orders issued in Tirana District for the Period January-October 2018, under the Law "On Measures Against Violence in Changed Family Relations".

The study

Gender-based violence against women is a violation of human rights and it is present across all socio-economic groups in Albania. Gender-based violence is defined as an "act that causes or could cause physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".

According to the most recent data in 2013, 59.4% of women in Albania reported to having suffered domestic violence in their marriage/intimate relationships, and 53.0% of women reported that they were currently experiencing violence (INSTAT).

Due to the recent amendments to the Law 9669 "On Measures Against Violence in Family Relations" in September 2018, a monitoring of Protection Orders (PO) and Immediate Protection Orders (IPO) for the region of Tirana during the period January-October 2018 was considered as necessary. The study relies on the decisions issued by the Court of Tirana and the cases of domestic violence reported to the State Police for the abovementioned period of time.

This monitoring study aims to shed light on one of the facets of the access to justice of victims of domestic and gender based violence, and to provide knowledge on the implementation of the law after its amendment.

Main findings

This study monitored 933 court decisions of the Tirana District Court that have issued Protection Orders and Immediate Protection during a 10 - month period. The study shows that in most cases the perpetrator is a man, with the most common reported form of violence being psychological violence. The study notes that in the

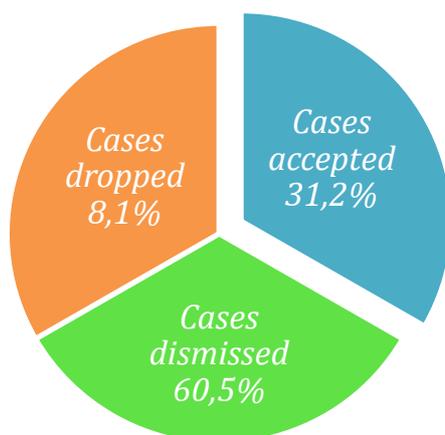
highest percentage of cases, the victim and the abuser are in a spousal relationship. A worrying finding is that of the number of cases dismissed by the Court, which is almost twice as high as the number of the solved cases. As far as the latter are concerned, there is a tendency to solve them within the prescribed period of two months.

Another contradictory finding is that of the very low number of cases of sexual violence referred to the Court. The study has identified only 7 cases of sexual violence against women, a very low figure compared to the findings of other survey studies of sexual violence in Tirana, where the reported number of women who have experienced sexual violence is much higher.

The present study also conducted a comparison between the number of gender based violence cases filed with the state police and the number of cases referred to the Tirana District Court. The results show that the police filed 761 requests for protection orders, while the court issued a total of 933 protection orders. Of the 933, 56 were cases carried from previous years, whereas 893 were brought to the court in 2018.

This shows that 116 cases of gender-based violence are not initially referred to the state police. It could be that such cases have been directly referred to the courts, or to the municipal units.

Court decisions



From the monitoring carried out, it results that: out of 933 cases filed with the Tirana First Instance Court, 8.1% of them have been dropped, 31.2% have been accepted, and 60.5% have been dismissed.

Deadlines for solving the cases

0-2 Months	513 cases
2-4 Months	350 cases
4-6 Months	70 cases

It is noted that 54% of the cases have been solved within the minimum preset deadline.

The relationship between the victim and the perpetrator

Relationship	%
Spouse	47,9%
Co-habitant	12,35%
Ex-spouse	8,4%
Parent-Child	5,1%
Child-Parent	9,5%
Mother or Father in Law / Daughter in Law/ Son in Law/Vice-versa	7,09%
Sibling	5,3%
Other family relations	4,7%

From the monitoring of 933 court decisions it is noted that the perpetrator and victim are mostly in intimate relationships; such as spouses, cohabitants, or former spouses, with a total of 68.65% of domestic violence cases taking place in such relationships.

The nature of violence

Nature of violence	%
Physical violence	3,1%
Psychological violence	53,4%
Physical and Psychological violence	30,2%

The most common form of violence reported is of the psychological nature, often exerted systematically. In most cases, the Court has decided that the victim should be provided with psychological treatment in the relevant centers.

Issuance of the Protection Orders and the Immediate Protection Orders from the Court of Tirana (statistics)

During the period of January-October 2018 the Court of Tirana has issued a total of 231 Immediate Protection Orders and 45 Protection Orders. The court has decided on 5 cases of sexual violence for the victim to be accommodated in social centers, while in 18 cases the court has decided to remove the perpetrator from the accommodation he shares with the victim.

Comments and recommendations

Co-operative strategies between social workers, police departments, prosecutor offices and judges are recommended as a pathway for enforcing the law and improving the perpetrators' compliance with the court decisions. More comprehensive policies are recommended, not only for the victims of violence but also for the perpetrators, in order to elevate their rehabilitation and reintegration into society.

An assessment of the current laws that specify the reporting methods regarding domestic violence is suggested, in order to examine if an early detection of the cases leads to improved outcomes for the victims. Due to there being a lack of studies which present a specific treatment strategy that would lead to an improved perpetrator behaviour, the courts could apply early warning mechanisms to detect possible violations of protection orders.

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