DOMESTIC VIOLENCE AS A HUMAN RIGHT ISSUE:
THE CASE OF ALBANIAN WOMEN

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Abstract: Gender-based violence needs to be reported and understood within the context of what it actually is, a global phenomenon that is both a cause and a consequence of gender inequality. It is a complex problem that includes more than just a violent act in terms of interpersonal relationships between sexes. It is a multidimensional social problem, whose roots run deep.

Albania, compared to the European context, is one of the countries with the highest rates of diffusion of domestic abuse. This can be explained by the fact that the discussion on human rights does not show any sensitivity towards women’s issues and their social positions. Due to its patriarchal features, the Albanian society has a long story of masculine domination in both public sphere and social life.

Domestic violence against women has and comes in phases. Even though for many years it has been thought to be an exclusive problem within couples, nowadays it is becoming an important issue for the entire society. This paper aims to identify the main factors that have influenced and are still influencing the increased rate of violence against women and the reasons leading women not to denounce this violence.

Keywords: Albanian society; identity; emancipation; transformation; domestic violence; human rights; women; education.

1. Introduction

In the Beijing Declaration for the Elimination of Violence against Women, approved in the year 1993³, the violence against women has been defined as follows:

“Violence against women is the gender-based violence that may lead to or result in causing physical, sexual or psychological damage or suffering to women, including also threats to such acts, as well as coercion or arbitrary deprivation of liberty, happening both in public and private life”.⁴

Gender-based violence is a phenomenon reported in an alarming level. In fact, violence against women is a complex problem including more than a mere act

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in personal relationships between both sexes. It is a social problem of large measure with deep historical roots, as it has been observed.

Albania is estimated, in fact, in the European context, as one of the countries with the highest rate of domestic abuse diffusion. This is explained also by the fact that the discussion of rights does not show much sensitivity related to the position and issues of women, “because the Albanian society, identified as a patriarchal one, has a long history of men domination in the social life”.

The roots of continuous women mistreatment by men are very old and essentially associated with the lack of respect towards women. It seems paradoxical, especially reminding that in the Kanun there were provisions ensuring the immunity of women.

“But Kanun, on the other hand, is considered a discriminatory “law” towards women.”

It is often stressed that Kanun is the main source for the discriminatory position of women in the Albanian society.

Modern times for the Albanian women arrived late. The emancipating season for them could be regarded in the period after the Second World War, during which was noted some success in their role and position in the society. A season that was made of social and cultural changes related to women’s role limited no more only in the familiar and domestic domain, but including also the process of education and training, and combating against illiteracy. These results provided to a certain extent a kind of economic independence to the women and therefore gave them more power within the family.

6 Kanun of Leke Dukagjini is a customary code of laws transmitted orally for centuries. It is the first “constitution” based on national traditions. Shtjefen Konstandin Gjeçov, father of the Franciscan province of Shkodra, born in Kosovo, was the one who collected directly in the region the legal customs of the mountains people. The laws of Kanun have served for more than five hundred years as a fundamental canon of social behavior and its administration for the clans of Northern Albania. The same Kanun shows how over the centuries was built the legal and institutional tradition of the Albanian people. The rules and norms of Kanun still exert a strong influence both among Albanians living in Albania, and those immigrating to other countries. Kanun is concerned with both civil and criminal law, regulating numerous aspects of life, including: Besa (indicating the term allowed by the family suffering a loss by murder, with a “promise” or “guarantee” that during that term they will not kill in turn the guilty person.), rights and immunity of the church, family, engagement and marriage, private property and its inheritance, labor, loans and donations, the ways of taking oath and respecting the promise, honor, ways of compensation, infamous murders, revenge, privileges and exemptions of them. Beshiri, Dilina. Puka, Edi. Women’s Rights in the Albanian Kanun of Leke Dukagjini, in Democratic Education, 6, Bari: Graphic Arts Favia, 2013. pp. 34-42. Print.
2. The emancipation of Albanian woman between tradition and transformation

In fact, the emancipation of the Albanian women has been slow over the years. After the 90s, as the society went through a real change, the media has been reporting many cases of rape and humiliation of women. It seems difficult of course to determine the exact incidence, but non-governmental organizations (NGOs) and international organizations working in the field of human rights agree that violence is a serious obstacle to the affirmation of a substantive democracy in Albania.

During the communist regime, in the years 1945-1991, a period of nearly half a century, the Albanian society never dealt publically with the problem of abuse against women, as that would not contribute to the image of a perfect society propagated by communism. Indeed the woman was portrayed as the largest manufacturer and emancipating force of the society, equal to man, completely free and independent. In fact, during the communist regime, violence against women was a phenomenon that remained mostly within the house walls. At the same time, men’s violence to women who were not part of their family, especially physical and sexual violence, was strongly punished by the state that had a strong control over the whole society.

In addition, the question of physical and mental exhaustion of women who were forced to work in three shifts in plants and factories was ignored as if it didn’t exist at all, besides not ensuring the sufficient economic and social level of living conditions for the women. Violence against women, which was not mentioned, “but only exercised, had become almost a taboo”.8

The collapse of communist economy, which had connected the work of women with their emancipation through creation of jobs almost equally for both men and women, announced the introduction of post-communist age of free market, which in fact limited the opportunities for women to find a job as easily as men do. This has forced many women to stay at home and live in the position of housewife.

“The economic changes brought by the transition period have also caused reduction of social and economic situation of a large part of the Albanian men and growth of incompatibility of their situation with their social status”9, heightening “the risk of a discomfort that he would continue to express itself in the form of abuse and violence against women”.10

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3. The impact of socioeconomic factors in family violence

As stated above, this research aims essentially to show the factors that cause domestic violence in Albanian society through the interviews conducted during the research project on the role of Albanian women in today’s society.

The interviews were conducted in the cities of Tirana and Durres, addressed to a total sample of 46 women, aged between 18 and 60 years. The technique of “half-directive interview” was applied in order to guarantee to the interviewed persons a large degree of freedom in articulating their discourse and hypotheses.

By the interviews was observed that violence against women is a phenomenon reaching large dimensions in the Albanian society, especially after the 90s. 83% of respondents believe that even during communism there were cases of violence, but they were rare and usually remained within home, unlike today, as a larger number of women seem more conscious and ready to denounce such acts.

According to the respondents, the main factors influencing the increased cases of violence against women are family education and the models that have been cultivated (42% of respondents), the family’s economic conditions and unemployment among women (29% of respondents), stress (11% of respondents), the abuse of men with alcohol (9% of respondents), the common cultural heritage of women’s submission to their husbands (6% of respondents), other causes (3% of respondents).

In Albania, family violence against women is a problem appearing in all its forms, to the extreme, becoming an ever more sensitive issue for the entire public, although since many years it is dealt with only as a problem within the pair. Despite a few reported cases, in 2009 there were four victims of violence among spouses. The fact that violence against women is a major problem in Albania is indirectly confirmed by the number of women committing crimes against their mates. In the face of continuing violence perpetrated by their husbands, some women can’t restrain themselves and react by killing them.

The Albanian legislation foresees the gender-based violence, including domestic one. For the first time the art. 62 of Family Law provides for the possibility of one of the spouses to remove the violent mate from marital residence for a period up to three years. This arrangement uses a gender-neutral language, but studies and surveys show that in such cases in Albania women are mostly subjects to this form of violence, and this leads to the conclusion that this provision is intended to protect women in particular.

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violence. There is the case of implementation of gender statistics designed to “detect” the persistence of this phenomenon, a revision of the legislation for the growth of economic power and opportunities for employment and vocational training for women. But on the other hand, there are in fact no official statistics on violence against women in order to ascertain this improved status and emancipation of Albanian women. Moreover, the crime of violence covers only the physical one, while it does not include the sexual, psychological or economic violence, leaving the victim with no adequate protection.

A significant contribution to the fight against violence on women and dealing with needs of abused women has been provided by women’s NGOs. The contribution of such organizations in defense of women has resulted in a public information campaign against violence, besides promoting advice lines, opening of refuge centers for abused women, legal clinics and law proposals aiming to combat for, defend and protect the women. Due to this contribution, it has been possible to arrive at formulating the strategy of the year 2007 - 2010 as one of the objectives including also action against violence. The government conducted with the support of parliament, civil society and press, a series of campaigns to increase public awareness on the phenomenon.

4. But which women do not report violence in the family?

Secondly, until 1995, police and judiciary institutions considered domestic violence a fact where parties had equal responsibility and intervened to convince the woman to exonerate the aggressor. If a woman was to carry forward the complaint, she had to take charge of collecting witnesses and presenting them in the courtroom. In the rare cases in which a trial ended with a positive verdict, the aggressor was punished with a fine only and he was never imprisoned. Only in the new Family Law, approved as the Law No. 9062, date 8/05/2003, the divorce was recognized to the woman as a right without imposing to her the burden of bringing proofs.

It is to be remarked that women reporting the violence are mostly those living in the cities. But “non-governmental organizations argue that unemployed women in rural areas are the most violated ones.”14

Even the concept of violence varies among women in rural and urban areas. Especially rural women consider mainly only the physical violence, while women in the cities mention mostly psychological and economic violence. However, there are always larger percentages of women considering the “violence” only in its extreme form. Some of them say: “If your husband hits you once while he is bored, you cannot consider this as violence.”15

Relying on interviews, the main factors imposing the Albanian woman not to report violence are the lack of financial support, keeping of family unity for the sake of children, lack of a job and housing, fear of being condemned by the ostracism of the community. There are cases in which a woman makes everything to hide the truth of violence she is suffering. This shows that the Albanian society is still dominated by the culture of education through violence. “Through education at home, women learn to be humble and to bear all pressure of male power”.16 It is thought that since there is an increasing in women’s education out of their families, there should be also an increasing in the number of women who report violence.

In fact, this does not always happen in Albania. Many educated women wear a social “mask” of convenience and refuge they feel they must preserve at all costs. They do not have the moral courage to denounce violence, because the preservation of the mask of a good image is very important for them.

5. Concluding remarks

The phenomenon that we have analyzed definitely requires a multi-causal approach, tending to emerge from individual dynamics and to keep in mind the complex psycho-social dynamics of women, of their family members and other individuals involved.

In fact, the lack of financial support is one of the main factors forcing the Albanian women not to report the domestic violence. The abused women agree to keep quiet and accept torture just to remain in the “false refuge” of the family. Within themselves they feel hidden prejudices, justify themselves in the social context as people having a perfect family, forgetting and trampling themselves. Not in rare cases they accept violence as a normal fact, not only to avoid living lonely or just to appear in public without their husbands, but to avoid the obligation of giving explanations to the public.

Although women in Albania have been able to achieve high levels of education and progress in the labor market and public life, gender inequality remains however a problem for the society, causing more and more women to face the dilemma between raising up children or having a career, due to lack of adjustment of schedules, social services and other obstacles that are brought by traditional gender stereotypes and male mentality of the society.

The old Kanun rules, which prescribe obedience to women, may also contribute to this situation, since women consider a sin opposing to their husband. Besides that, domestic affairs are still something usually to be kept as a secret.

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WORKS CITED


