

“THE HONOR OF WOMEN”

**“WOMEN’S ACCESS IN THE JUSTICE SYSTEM.
VIOLENCE IN THE FAMILY, THE TREATMENT OF CRIMES RELATED TO
HONOR IN THE ALBANIAN JUDICIAL SYSTEM AND ITS IMPACT IN THE
SOCIETY. THE MANAGEMENT OF SPECIFIC CASES BY PROFESSIONALS.”**

The concept of the woman in northern Albania, is reflected in the institutions and society, where patriarchal beliefs often become a source of discrimination in the family. “The honor of women”, who are family members, remains a delicate point of pride for the Albanian men, meanwhile “the men's honor” remained intact in the judicial practice and lawsuits. If we refer to the divorce cases, we notice that the demand to a divorce is the most common demand by one of the spouses. accompanied by a request for setting a protection order. This study aims to explore the issue of women's representation in the juridical system; transparency and effectiveness through the management of professionals, in advocacy and monitoring. Referring to studies and judicial practices; the years experiences from a social and legal point of view, except the causes we can examine the impact of legal consequences in the society. Part of this study, will be concentrated on gender specific services in giving justice.

Economic advantage and male solidarity constantly affect the status of women in society, without even they exclude the access to administration or justice.

If we refer more concretely to IPO and PO, the most effective legal remedies remain in the protection and safeguard of the victim against any form of violence.

Nowadays the women are not informed about what that the law that is connected with the protection of the children.

The 60% of the cases, only the victim is covered with PO, and this is based on the monitored decisions.

Gender discrimination is the most linked with the discrimination, related to the marital status. According to the Albanian constitution, the principle of equality is so central, giving to any person within its jurisdiction the equal protection of the law. The focus of monitoring was upon family, because the family life has huge influence in the quality of life of each individual.

Monitoring was focused in Shkodra district court and the attention was focused on the court decisions and on the practices on the issues having as their object as follows:

-Dissolution of marriage and the consequences.

-Gender impact on the issues related to the Protection Orders.

METHODOLOGY

The methodology involves some main steps, such as:

- Identification of the Court;**
- Monitoring of the gender aspects in the court decisions of cases having as their object the dissolution of marriage and its consequences.**
- Monitoring the gender aspect of some penal decisions:**

RESULTS. From January 2011 to December 2014 were studied 252 courts cases with the subject of which was "Protection Orders" they have been reported to police who work on outside including the monitoring of the judicial sessions in the district court of Shkodra.

Judicial District Court of Shkodra and issues related to protection orders

					Plaintiff	
Court	Period	Cases	PO / IPO	PO	Women	Men
Shkodër	2011	52	100%	88.4%	52 ose 100%	0
	2012	31	100%	87%	31 ose 100%	0
	2013	75	100%	89.3%	75 ose 100%	
	2014	94	100%	74.5%	84 ose 89.3%	10 ose 10.7%

1. Women are the most abused in the family, but unfortunately even though they are the most abused it happens, the contrary when the men pretend they are abused by women. Recently there is something new for our women who make the denunciations directly to the police themselves and they don't refer to the organizations, municipalities, law enforcement agencies. In 209 cases, the denunciations were made by the victims to the police, but only in 43 cases, of the victims are directed to referral system and this is connected with the pressure that the men do on them.

2. Cases of IPO/PO where women are accusers in particular

Often, though, the victim receives initial courage to apply charges, in main cases they tend to retreat from the judgment, and this is connected with the pressure that the men do on them.

3. Causes of cessation of IPO/PO

Generally, the reasons for the cessation of PO, are related to the process of verification. Usually all the demands for the employment of IPO, are admitted, but sometimes it was difficult to be proved because they were based only in the conviction of the judge. (For example: emotional violence)

The last but not least, children must be the primary subjects of the protection from violence, when the relationship between the perpetrator and victim marks the highest level violence.

The Criminal Code is mentioned that "physical or psychological maltreatment of minors.... will be punished with imprisonment from three months up to two years".

When the victim themselves requires protection orders, she denies the fact the children were also violated. In this case, when a decision is given, the children remain without protection and the perpetrator can contact at any time with them. This problem arises especially when he approaches the children school or the kinder garden.

From our experience in working with victims of violence, have noticed that the perpetrator always as is violent with both, the victim and with children. Even in cases where the victims are protected by PO, he manages to punish her - using violence to the children, because they share the same habitat with the perpetrator.

TO SUM UP

- 1.Regulations in the Family Code of Albania should be accompanied with an adequate role in the evaluation of the highest interest of the child through sublegal acts in relation to the criteria, conditions, financial effects, etc.
- 2.The changes in the Criminal Code of Albania is considered as positive steps ahead. The referring mechanism against domestic violence is in need of a better consolidation and co-ordination.
- 3.If the rights are reflected in the laws, but when these laws are not known as they should, or when important group of laws remain inactive, then it is the same situation with the lack of laws. The work to inform and introduce the women to their rights should be a continuous work and not to be done just through the activities organized by NGO-s.

4.Regarding the access in information and services including legal help and counseling, this issue should be addressed very carefully, because the missing legal help, or lack of financial means to cover the legal help, make the women withdraw from the process.

5.Guaranteeing the legal financial help for the victims should be based upon a strong legal basis by considering this issue a priority, to raise the possibilities for an effective implementation of the law “On the Legal Aid”.

6.It is recommended to raise the number and to improve the quality of studies undertaken in this field, in order to judge better on the standards of gender equality and non-discrimination in family issues and even wider.

7.The collaboration between women, taking in part in social life, social activity, growing access of the professional women such as advocacy , in judicial institutions, or government institutions.