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CAUSES AND CONSEQUENCES OF DOMESTIC VIOLENCE, SOCIO-CULTURAL DIFFERENCES IN KOSOVO

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ABSTRACT

In this paper we are trying to identify causes and consequences of domestic violence in Kosovo. As one of the country in which society is undergoing through the radical transition, Kosovo is faced with different challenges in order to build a state where social and political rights are equal for everyone without taking into consideration genders differences, ages, religion, race, political orientation, language, etc. So far, there have been taken a number of legal responsibilities dealing with domestic violence. Under the pressure of the European Integration, Kosovo has approved the national program against domestic violence, law on the family, Law on Protection from Domestic Violence, different strategy with the international support, and also have an active role of nongovernmental organizations in advocating the gender-based equalities. Domestic violence as a social phenomenon is deeply elaborated by different social scholars as an act that violates human rights and that all human beings are free and with equal rights and dignity. In this paper we will discuss the official data related to domestic violence in Kosovo, going through the cases from deaths, suicide, to child abuse, disturbance, disagreement and different variables. Also, we will explain how is defined the domestic violence in Kosovo, from the dimension of physical abuse to the economic abuse. The main part of this article is analyzing official data from the studies, safety agencies such as: police and justice, and also nongovernmental organizations related to this issue. The aim of the state institutions is to prevent domestic violence, but how is the real situation in the field? Do they protect and secure the victims? Do they offer training and reintegration of the victims? However those data bring us into line with the real situation of domestic violence in Kosovo, regardless of the different perceptions of this phenomenon in our society.

Keywords: domestic violence; gender equality; public policy; abuse

INTRODUCTION

Kosovo is facing with many social problems unemployment, poverty, corruption and high level of organized crime. Many of them are as a result of the postwar situation and transition to the democratic state. In his way of European integration, Kosovo must complete numbers of duties from European Commission to be a potential candidate for member of EU. Domestic violence is one of the problems which tends to be higher each year. Before Kosovo didn't have any statistical data related to this issue. Now Kosovo have institutions for dealing with this issue, which are highly supported by international organizations. Many international actors treat domestic violence as a penal act. For example, Council of Europe defines domestic violence as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women or men, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Council of Europe, 2010)¹. In the case of Kosovo, women continue to suffer violence at the hands of abusive partners. It is documented that domestic violence is on rise in several regions, and this often occurs due to poor economic situation, alcohol and drug abuse, stress and other accompanying factors. Domestic violence exists in many forms, ranging from emotional abuse to physical harm and even death (Rose, 2013). Between scholars is accepted that violence against women is the most widespread violation of human rights in the world which affects women of all ages, cultures, regardless of the education level and socio-economic background, knows no boundaries and is present in all countries of the world (Shipway, 2004). The violence can happen everywhere from home to street, from school to work. The violence can be emotional, physical, psychological, and sexual abuse. Even can be an economic abuse. Domestic violence has consequences not only for partners or for the entire family, but as well as for the society. According to global statistics, the leading cause of death of women aged 16-44 years is the violence that is perpetrated most often by close persons such as spouse or partner (Dutton, 2010, 167). When a person in marital or extramarital relationship, cohabitation, divorced, or in any close relationship, mistreats and abuses other person, we are dealing with domestic violence (Kappler, 2011). According to some studies conducted on domestic violence it has been proved that violence against women is a complex and multidimensional problem. Regardless of the legal and institutional framework to prevent and protect victims of domestic violence and despite the efforts and measures taken to prevent and minimize it by the state bodies and nongovernmental organizations, domestic violence continues to be one of the most problematic phenomena in Kosovo society.

In Kosovo, since 2006 more than 1000 cases of domestic violence are reported within a year, where more than 80% of victims are women. The number of cases is going higher. Those cases are mainly reported by different members within the family or by

¹ The convention contains 81 articles separated into 12 chapters. Its structure follows the structure of the Council of Europe's most recent conventions. The structure of the instrument is based on the "four Ps": Prevention, Protection and support of victims, Prosecution of offenders and Integrated Policies.

neighbors. However, cases of domestic violence are reported regularly to the Kosovo Police. They now have official track recording of the domestic violence's cases. Another challenge related to domestic violence is that in many cases the victims do not report the incident of violence. According to domestic and global reports around 50% of cases of domestic violence remain unreported. In Kosovo the legislation on gender equality, rights of women and protection from violence is quite advanced. In particular, Kosovo has the Law on Protection from Domestic Violence as well as the national program, strategy and action plan. But the main challenge is to implement these laws, national programs and strategies into practice in daily life.

METHODOLOGY

The methodology used for this paper is combined. We have used the methods of analysis and synthesis. Through those methods we will identify the correlation between causes and consequences of domestic violence in Kosovo.

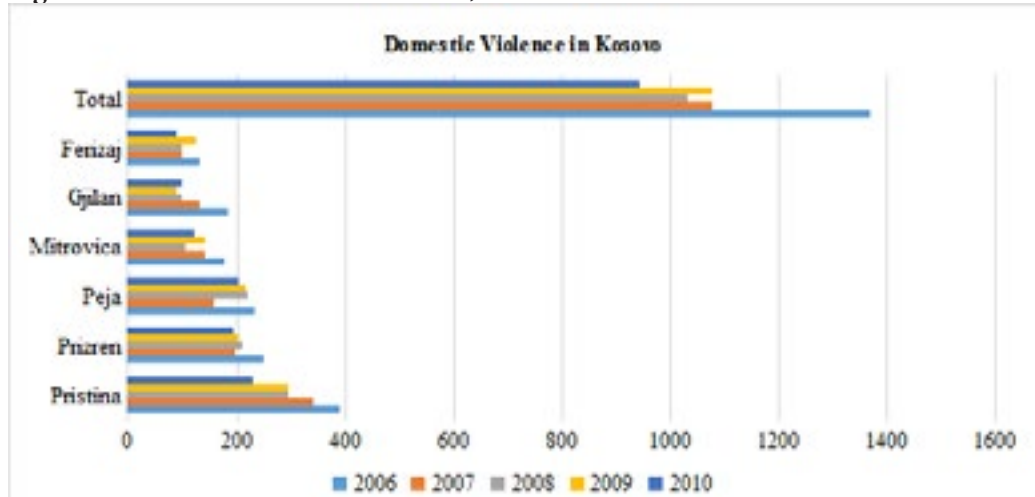
RESULTS

The domestic violence against women is very common in Kosovo. Last years, there has been a major societal shift in Kosovo, now more people saying that domestic violence is unacceptable and deserving of punishment. Domestic violence includes a combination of power and control that is used to cause pain and fear among victims, in order to have control over, humiliate and weaken them (Wallace, 2004). Domestic violence is a behavior through which a spouse or family member uses physical violence, intimidation, isolation, or emotional, sexual and economic abuse, to control the partner or other family member in the relationship or household (Wallace, 2004). At the same time, it is the violence towards other persons that live within the wedlock or extramarital relationship or household, as well as towards extramarital partner or persons that have children or are closely related and in close personal relationship. In Kosovo society there is an increase of the phenomenon of domestic violence, which is more commonly used against women, children and the elderly. The reported cases identified these forms of physical violence as: slapping, beating, arm twisting, burning, kicking, threatening with weapons, pushing, hitting, hitting with various objects, refusing to help the woman when she is pregnant or sick, causing injury, murder and attempted murder. According to Kosovo Police sources from 2006 to 2011 the number of reported cases is decreasing, but we are facing with the increase of the number of unreported cases of domestic.

Table 1. Domestic Violence in Kosovo, source from Kosovo Police²

Police Regions	2006	2007	2008	2009	2010
Pristina	392	344	295	297	231
Prizren	251	197	212	206	194
Peja	234	160	221	217	204
Mitrovica	178	143	106	142	124
Gjilan	184	134	101	91	99
Ferizaj	132	99	99	127	92
Total	1371	1077	1034	1080	944

Figure 1. Domestic Violence in Kosovo, source from Kosovo Police



We also have the higher number of cases of the psychological violence. This form includes the violence that is intended to intimidate and persecute (Wilcox, 2006). These are made through threats, house arrest, insults, surveillance, threats of taking custody over children, destruction of objects such as: photographs, portraits, isolation, sneering, humiliation and verbal aggression (Wilcox, 2006). At the same time, ignoring the feelings of the wife, constant criticism, constant contradiction of opinions, public or private humiliation, trying to convince your partner that she deserves the violence because of her actions, threatening the partner for adultery, constant signs of jealousy, threatening of taking away the children, hiding the money, keeping the wife at home without work, abusing children, calling with derogatory names, etc. In Kosovo this form of violation is increasing, for example from 2008 to 2010 it was increased more than 40%. In another hand, the physical attack is decreased for more than 40%.

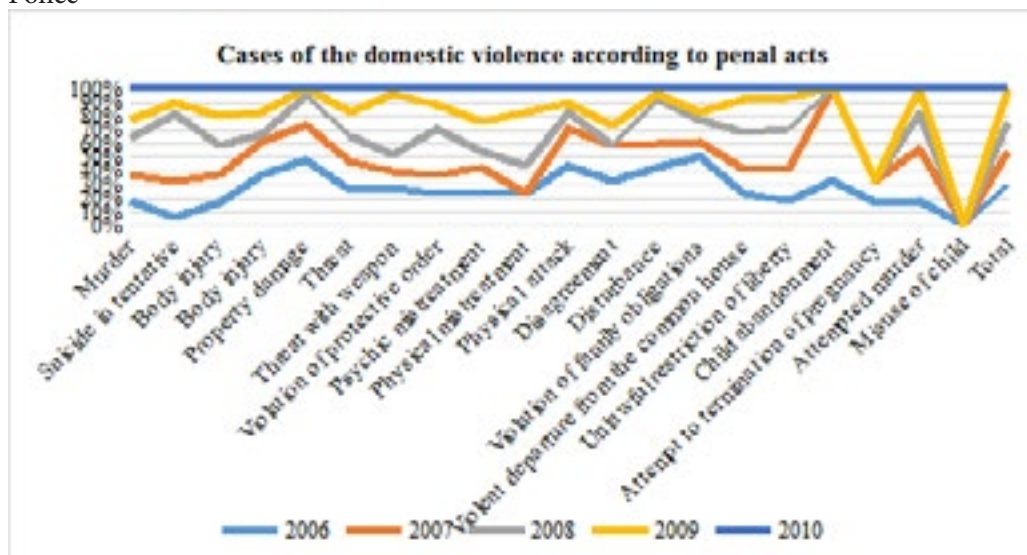
2 Kosovo Police, Domestic violence in Kosovo (Rep. No.58). Pristina 2014.

Table 2. Cases of the domestic violence according to penal acts, source from Kosovo Police³

Penal acts	2006	2007	2008	2009	2010
Murder	4	4	6	3	5
Suicide in tentative	3	13	23	4	5
Body injury	408	462	513	538	457
Body injury	21	14	3	9	10
Property damage	9	5	4	1	0
Threat	252	199	180	181	159
Threat with weapon	9	4	4	15	1
Violation of protective order	8	5	12	6	4
Psychic mistreatment	47	34	26	40	47
Physical mistreatment	83	2	71	141	60
Physical attack	341	215	86	58	79
Disagreement	71	55	0	34	56
Disturbance	81	31	62	8	6
Violation of family obligations	9	2	3	1	3
Violent departure from the common house	16	12	18	17	5
Unlawful restriction of liberty	3	4	5	4	1
Child abandonment	1	2	0	0	
Attempt to termination of pregnancy	1	1	0	0	0
Attempted murder	3	6	4	3	4
Misuse of child	1	1	0	0	0
Total	1371	1071	1020	1063	902

³ Kosovo Police, Domestic violence in Kosovo (Rep. No.58). Pristina 2014.

Figure 2. Cases of the domestic violence according to penal acts, source from Kosovo Police



Some scholars when they discuss about sexual violence, they considered sexual intercourse forced through threats, physical force and humiliation, obligation on unwanted sexual acts or forcing to have sex with others, treating the partners as a sexual object. Dutton (1994) argued that socially learned notions of anger and violence added explanatory power to the individual variation in behavioral responses to sexual threat and that the source of range in intimate relationships was not kinship per se, but ego identity factors naturally confounded with kinship (Dutton, 1994, 167). Until now Kosovo doesn't have any official data related to this form of violation. Through different ways from media to the contact with communities' non-governmental organizations continue to promote awareness related to this form of violation. Everyone from the victim to family or neighbors, must report the cases of sexual violations to the state institutions.

Within the Kosovo Police there is the Department of Investigations against Domestic Violence. The section is structured in three levels on a vertical line:

- Central level (1 lieutenant and 2 sergeants);
- Regional level (two investigators); and
- Station level (two primary investigators) who can be reached 24 hours for all domestic violence cases, who will respond to the call by going to the scene to investigate the case, and if basis are found, the case is sent to the competent Prosecution office.

Dilemmas and difficulties that the victims face when reporting domestic violence are clearly observed in practice, because of the consequences that may arise later on. Victims of domestic violence are afraid and hesitate to report violence, keeping quiet is a mistake. Victims of domestic violence can take steps to improve their situation. Therefore, the awareness to understand that silence is a mistake is the most important step, and that above all they can take steps to improve the living situation in which they are, is a strategic mechanism to eliminate domestic violence. There is no tolerance for violence, domestic

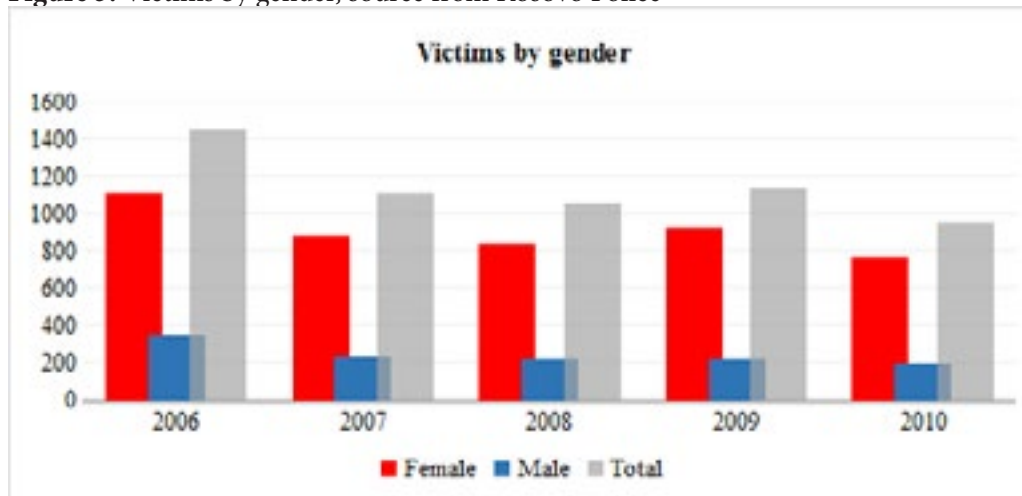
violence is not a private matter.

A state is obliged to fight and prevent domestic violence from occurring, but if it does occur, the state is obliged to protect the victims of this violence. Therefore, the State shall take all appropriate measures to ensure protection of human rights by enabling victims of domestic violence to file a petition in court, providing them social services and health care. State is responsible not only to stop the violation of human rights of women, children and every other person who is a victim of domestic violence, but also to undertake active preventive measures to protect these victims.

Table 3. Victims by gender, source from Kosovo Police⁴

Gender	2006	2007	2008	2009	2010
Female	1104	874	836	915	764
Male	338	231	220	215	190
Total	1442	1105	1056	1130	954

Figure 3. Victims by gender, source from Kosovo Police



4 Kosovo Police, Domestic violence in Kosovo (Rep. No.58). Pristina 2014.

Table 4. Institutional procedures, source from Kosovo Police⁵

Procedures	2006	2007	2008	2009	2010
Arrests	393	319	316	261	296
Center for Social Work (CSW)	955	591	501	613	406
Protecting Victims	1295	867	834	670	701
Protection order - Court	183	59	54	154	141
Protection order - Police	1	4	95	0	9
Victims at protection center	81	73	44	52	62

Figure 4. Institutional procedures, source from Kosovo Police

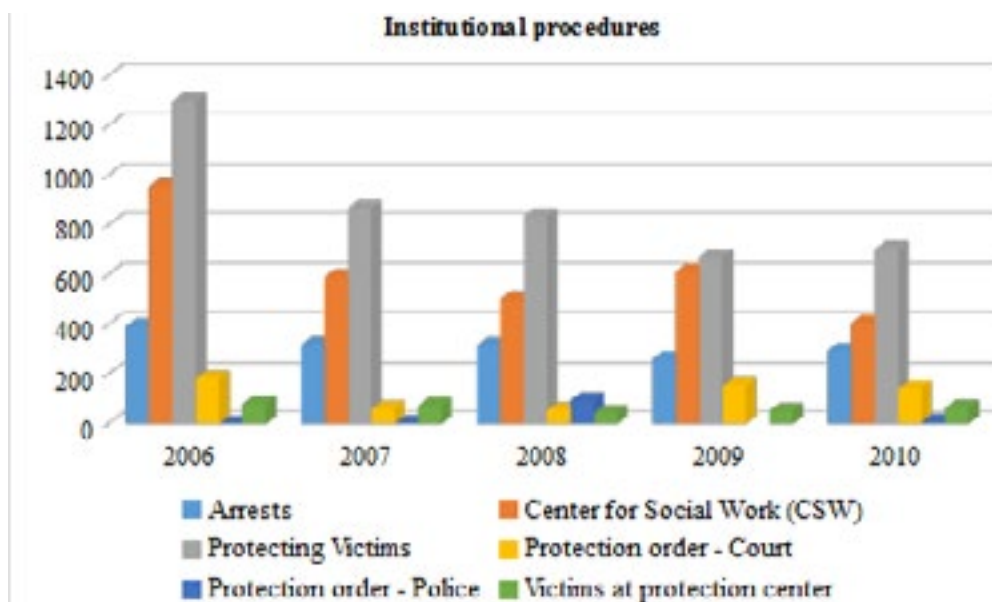
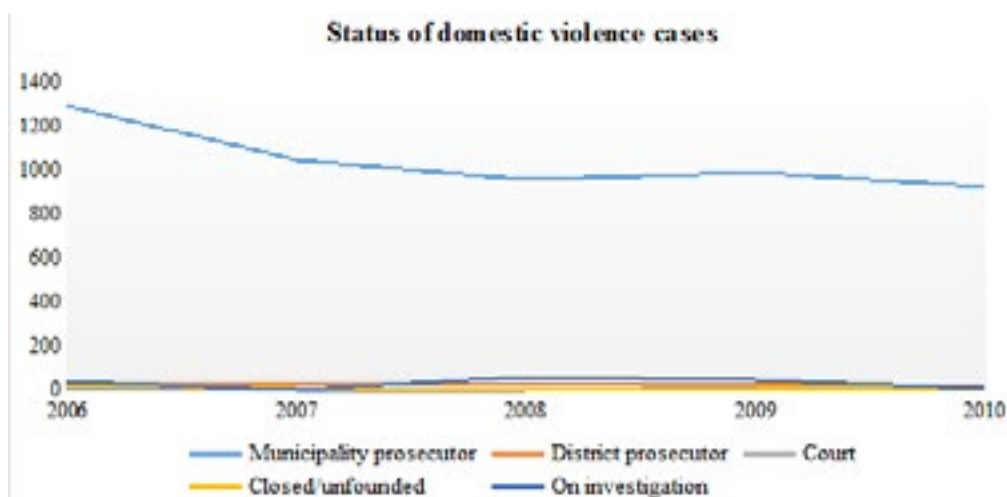


Table 5. Status of domestic violence cases, source from Kosovo Police⁶

Status	2006	2007	2008	2009	2010
Municipality prosecutor	1291	1042	954	986	921
District prosecutor	20	28	19	31	11
Court	5	0	0	16	0
Closed/unfounded	18	7	0	5	6
On investigation	37	0	59	42	6
Total	1371	1077	1032	1080	944

5 Kosovo Police, Domestic violence in Kosovo (Rep. No.58). Pristina 2014.

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Figure 5. Status of domestic violence cases, source from Kosovo Police

DISCUSSION

‘Domestic violence’ looks at the view of domestic abuse in family law. The law in all jurisdictions has been reluctant to interfere in cases of domestic violence. In the last few decades, the law has begun to accept that this issue is a major social problem that needs a legal reaction. There is no solid definition of domestic violence. A definition should include emotional and financial abuse. Domestic violence is not restricted to a cohabiting couple, but includes all those who live in an intimate relationship. The notion of inequality in a relationship is an important consideration in defining domestic violence (Herring, 2014, 27). This form of violence is about the control of the partner’s financial income in the family or a ban of women’s participation in decisions about the money expenditures, even refusing to grant the money to cover basic family needs, denial of ownership to joint property, damage or destruction of property, theft of property, etc. We have isolation when a person is prohibited from leaving the room, house, the person is kept under control without any right to interact with other family members with friends, colleagues, and denied access to personal identification documents. The perpetrator of this violence controls the movement of another family member by using violence. This happens when the husband keeps his wife locked in the room by denying freedom of movement, denying the use of toilet, prohibiting communication and free interaction with other persons. At the same time, the restriction by the husband on where can the wife go, seizing or destroying personal identification documents, prohibiting from meeting-visiting friends or family, prohibiting participation in activities outside the house, obstructing or making it difficult through various methods meetings with relatives or friends. Also to lock the mother-in-law or the father-in-law in the room by the bride, locking children in the room by parents or step-parents, locking in home a person with

disabilities etc. Alcohol and drug abuse are widely considered the most prominent causes of domestic violence. Poverty and unemployment are also widely seen as contributing factors to domestic violence, with older people especially likely to see violence as having an economic explanation. In countries recovering from war, pronatalist policies may limit access to contraceptive devices or reduce women's ability to procure employment that might allow them to escape an abusive situation (Johnson and associates, 2000, 954). According to scholars we have a lot of consequences from the domestic violence. The first one we have physical consequences which result in physical injuries as fractures of extremities (teeth, nose, jaw, arms, feet, finger) and fractures of other body parts, which actions can cause partial disability, permanent injuries, light or grievous bodily harm, etc. Then we have consequences related to the reproductive health - unwanted pregnancies, gynecological problems such as sexually transmitted diseases, abortions, premature births or underweight babies etc. Consequences related to the loss of the harmony in the family - which often in practice ends up with divorce, entry into prostitution, falling a victim of trafficking, etc. The last one but not less important is mental violence consequence, which constitutes a behavior when adult family members mentally mistreat the child through: refusal, limited play, ignorance, frustration, isolating or locking the child, insult or constant humiliation in different ways and forms, intimidation and threatening that the child will be left home alone at home or in the dark basement, etc. This violence can be carried out by parents, older brother or sister, or any other family members. Therefore, the state shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, such as injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, as long as he/she is under the care of the parents, or under the supervision of one of them, representative or their legal representatives or any other person entrusted to take care of the child (van Wormer, Roberts, 2009, 103).

The domestic violence reflects to the children in the same manner as to their parents, sometimes even more, even in cases when they are not direct victims of the violence. The level of their psychological development does not allow them to understand the painful situation in the family that they are going through. Such family situation that accompanies them during their physical and psychological development may leave inerasable traces and affect their personality development. They take the responsibility of taking care of their younger brother or sister; they even attempt to bring back the family happiness by trying to do things that would make their parents happy so they can feel good about it (Nicolson, 2010). They tend to put contacts with their friends to an end because they are afraid that violence incidents may occur in their presence. Thus, they prefer to be isolated in very early age by risking to be isolated completely from the society. These children soon begin to show difficulties in the learning process, lack attention, do not study enough, lose the desire for education, become passive in class, they become isolated, miss the classes, have limited and vulgar vocabulary and very often end up dropping out of school (Nicolson, 2010). Children who are brought up in violent environments have tendencies to turn to violence as a method problem solving when they reach adulthood. They risk of becoming alcoholics, drug addicts and breach the law. Employment is

often seen as a key factor in women's empowerment so that employed women might be expected to be less vulnerable to domestic violence or if they experience such abuse, to be more ready to resist than women who are not employed. Education and employment may be a significant factor in ending domestic violence. Women's employment is often identified as the key to greater empowerment or bargaining power, both socially and in inter-personal relationships (Radford and associates 2006). This line of thinking assumes that women with paid work have an independent income, that they control that income and consequently have greater control in their personal lives, including in their domestic relationships. Women's experiences of employment were rarely characterized by control or choice in other spheres of their lives. In this case, it is important that education beyond the primary level and the social networking in which women engage. These two factors appear to be positively associated with the ending of domestic violence and suggest avenues for interventions to support abused women.

Economic considerations and employment in particular have been presented as enabling effective responses to domestic violence by abused women. It has been argued that a greater economic role for women offers protection and employment itself mitigates against domestic violence (Adams et al., 2008). The reverse has also been argued women's increasing economic activity is seen as a leading to an increase in male violence. Both economic activity and independent income have been seen as important factors enabling the optimal response to domestic violence – escape. Women's ability to leave an abusive relationship is framed by non-availability of economic resources. Woman in paid work have financial control of an independent income, which enhances their bargaining power in the household, thereby mitigating domestic violence, or which enables women to leave abusive husbands.

To leave a violent marriage is a complex and difficult decision: it is not a simple function of employment status. Alternative, safe accommodation has to be found and social life, on which much else depends is likely to be severely reduced for women living on their own. Many researchers, suggests that women repeatedly return to their abusive husbands and make several attempts before they finally leave, not only because of financial problems but also because of the difficulty in finding safe accommodation (Wilcox, 2006). Shelter houses offer shelter to victims of domestic violence, providing food and clothing, psycho-social support and in collaboration with relevant institutions provide them with medical and legal care, and educational training to increase their awareness and empowerment as well as other recreational activities. The main role of the shelters is to provide security for victims of domestic violence and their children, as appropriate, before, during and after the court proceedings. Through individual and group counseling, they also provide psychological support to women as they experience difficult and traumatic period in their lives. Until now, Kosovo have six shelter houses located in six major cities, Pristina, Mitrovica, Peja, Prizren, Gjilan and Gjakova.

CONCLUSION

Domestic violence is a crime. Therefore, it is very important to report it and initiate a court procedure against it. In order to combat domestic violence, especially violence against woman and children, it is necessary to strengthen the cooperation between state bodies and non-governmental organizations. In order to reduce the number of domestic violence cases in Kosovo, it is necessary to have a joint vision which will lead us towards joint actions. Kosovo needs to continue to invest in training judges, prosecutors and other actors with the purpose of protecting the victims of domestic violence in the most efficient manner. Thus, a sensitization of all relevant actors and mechanisms in this field is necessary, since domestic violence is a problem that affects all groups and levels of society, without distinction of race, gender, ethnicity, economic level, geographic area, religion, age, etc. Kosovo society is mainly patriarchal, and this is the factor contributing to wife assault and because of that the majority of men raised in a patriarchal system should exhibit assaultiveness. If social license determines violent behavior, we would expect a majority of men to be violent.

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