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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
K O S O V O ?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Október 6. u. 12.
H-1051 Budapest
Hungary

Website

<www.soros.org/women>

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

Éva Földvári
Program Director
Open Society Institute
Violence against Women Monitoring Program

Enikő Pap
Program Officer and Project Coordinator
Open Society Institute
Violence against Women Monitoring Program

⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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THE EDITORIAL TEAM

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Judit Herman
Judit Wirth
Miklós Vörös
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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

Following the war in 1999 United Nations Security Council Resolution 1244 gave the United Nations Mission in Kosovo (UNMIK) the task of administering Kosovo until its final political status could be determined, with the Special Representative to the Secretary General (SRSG) retaining complete authority. The people of Kosovo elected democratic institutions, including assemblies at the municipal and central levels of government. Since UNMIK is the ultimate governing authority, most existing laws were signed and passed by the assembly and then signed into effect by the SRSG. UNMIK has slowly begun to transfer competencies over to the local governing institutions. In this unique form of government, where power is shared between UNMIK and the elected government, there are at times multiple forms of gender equality machinery – located within both the UNMIK administration and the Kosovar government.

Following the approval of the Law No. 2004/2 on Gender Equality (the Gender Equality Law), a range of institutions dealing with gender equality was established. On February 1, 2005, the Office for Gender Equality was established by the Government of Kosovo. According to the Gender Equality Law the main institution responsible for gender policy is the Office for Gender Equality which is part of the Consultative Office for Good Governance in the Prime Minister's Office. As part of the Prime Minister's Office, the Office for Gender Equality coordinates its action with the Consultation Office for Good Governance, Human Rights, Equal Opportunities, and Gender in the Prime Minister Office, established according to Annex 1 of the UNMIK Regulation No. 2001/19. This office is financed by the Kosovo Consolidated Budget. The budget line falls under the Prime Minister's Office annual budget, and the budget lines are not currently disaggregated.

Other institutional structures dealing with gender equality issues include the Offices for Gender Affairs which are located in each of the municipalities' local governments, and the Subcommittee for Gender Affairs in the Assembly of Kosovo.⁵ These are financed through the local assemblies, from the Kosovo Consolidated Budget. The

⁵ See www.AssemblyofKosovo.org.

government of Kosovo has also established an inter-ministerial group which aims to coordinate activities between the different institutions in relation to gender issues.⁶

An Office for Gender Affairs (OGA) exists within the UNMIK administration but it does not have any special department dealing with the issue of violence against women within its structure.⁷ The Ombudsperson's Office is responsible for cases dealing with gender-based discrimination, according to the UNMIK Regulation No. 2000/38 on the Establishment of the Ombudsperson Institution in Kosovo. However, this office serves more as a source of information than as a useful mechanism. Previously, the office was financed through UNMIK but as of 2006 it will be financed through the Kosovo Consolidated Budget.

In conclusion, although there are numerous forms of gender equality machinery within UNMIK and the Kosovar government, there are no special tasks allocated to the national machinery in the field of violence against women. There is no special governmental institution or department dealing with violence against women.

Although the Office for Gender Equality exists as part of the Prime Minister's Office, this office does not have any department or special body dealing with monitoring, evaluation, and coordination of measures taken to combat violence against women.

1.2 National action plans and other policy documents

In 2004 the Government of Kosovo approved the *National Action Plan for the Achievement of Gender Equality* and this plan presents recommendations for addressing the problems and specific circumstances of gender discrimination in Kosovo. As a mechanism for gender equality, the *National Action Plan for the Achievement of Gender Equality* was written to conform to Kosovar women's needs. It was designed in the context of the international movement for improving the position and status of women and proposes concrete steps for Kosovo toward achieving gender equality and development.

With the aim of protecting and advancing human rights in Kosovo, the Prime Minister has promulgated a decision for establishing a Human Rights Unit in every ministry of the Government of Kosovo. Human Rights Units, in cooperation with Office for Good Governance, will help implement documents approved by the Government of Kosovo and will be directly responsible for the implementation of recommendations provided by the Ombudsperson's Institution in relation to implementing human rights

⁶ Article 2 of Government Regulation No. 2 of 2005 on Establishing an Interim Administration of the Office for Gender Equality.

⁷ UNMIK Regulation No. 2004/18 declaring the Act on Gender Equality in Kosovo, approved by the Assembly of Kosovo.

legislation. They also will have an important role in composing documents in the field of human rights, which will help directly in the implementation of Standards for Kosovo and in the future process of human rights reporting in Kosovo. On August 11, 2005 the Prime Minister of Kosovo signed an Administrative Instruction No. 8 of 2005 that included a description of tasks for the Human Rights Unit in the Government of Kosovo. The officials in the Human Rights Unit will cover the following areas related to human rights: equal opportunities (in relation to implementation of the Anti-Discrimination Law⁸), gender equality (commensurate to the Gender Equality Law), children's rights, minorities' (communities') rights, the rights of people with the limited abilities, and combating trafficking in human beings.⁹

On October 11, 2005 the Government of Kosovo approved the *Action Plan for Implementing the Anti-Discrimination Law* (Dec. No. 4/170) which ranks the importance of activities, sets a timeline, and designates responsibilities for institutions involved in proposing a detailed description of needs for financing the plan's implementation from the Kosovo consolidated budget.

In the *National Action Plan for the Achievement of Gender Equality*, however, there is no action plan for combating violence against women. There is no budget dedicated specifically to combating violence against women. The Chief of the Office for Gender Equality, Visare Gorani, said in an interview, "In 2006 we plan to do research in relation to this problem (violence against women), but the budget isn't allocated yet."¹⁰

According to Abit Asllani, Director of the Directorate for Legislation in the Office for Good Governance, "Still there is no specific policy for combating different forms of violence against women."¹¹ According to him the Office for Gender Equality is planning to do something concrete in this direction in the near future.

⁸ Law No. 2004/3 of February 19, 2004 against Discrimination (the Anti-Discrimination Law).

⁹ The Prime Minister's Office for Good Governance, Human Rights, Equal Opportunities, and Gender Equality (2005) *Three-Month-Report about the Activity in the Field against Discrimination, Corruption, and Trafficking of Human Beings*, July–September 2005, Prishtina, p. 31.

¹⁰ Personal interview with Visare Gorani-Gashi, Chief of the Office for Gender Equality as part of the Prime Minister's Cabinet. Interview made on January 30, 2006.

¹¹ Personal interview with Abit Asllani, Director of the Directorate for Legislation in the Office for Good Governance in the Prime Minister's Office. Interview made on January 28, 2006.

1.3 State monitoring of existing legislation and policies

The Directorate for Legislation and the Directorate for Monitoring and Reporting exist inside the Office for Gender Equality in the Prime Minister's Office. The directorate states that the office is to systematically monitor the implementation of laws in Kosovo in relation to the protection of women victims of violence and to respond to infringements of the law. In the case of infringements these are to be reported to the Prime Minister's Office.

However, this office has never published anything on violence against women or its work monitoring legislation on violence against women. This is partially due to the fact that the office was only established in 2005 and has just begun functioning. Within the Office for Gender Equality there is a Directorate that is responsible for cooperation with NGOs. Thus, in the future NGOs should technically be included in monitoring the existing legislation and policies concerning violence against women.

1.4 State budget earmarked for combating violence against women

According to Abit Asllani, Director of the Directorate for Legislation in the Office for Good Governance there is no special budget line for actions that combat violence against women. However, within the Office for Gender Equality's general budget, there is the possibility of allocating a budget for realizing projects concerning violence against women. This point was confirmed by Visare Gorani, Chief of the Office for Gender Equality of the Prime Minister's Cabinet. Since this is a new office, this budget has not yet been used for purposes related to violence against women.

Within the Kosovo Police Service there is a unit that deals with violence in the family, including violence against women. In the budget allocated for the Kosovo Police Service there is a budget line for operating the unit on violence in the family. In addition to activities related to investigating cases of violence in the family this unit also takes part in other activities such as campaigns for raising citizens' awareness about violence against women.

In conclusion, while there is no single budget line dedicated to dealing with violence against women in the National Police Headquarters, Prosecutors' Office, Court System, National Social, Family and Child Protection Services or Health Care System, all bodies have more general budget lines that cover violence against women. At this point in time a disaggregated breakdown of these budget lines was not available.

Before the war in 1999 only a few NGOs dealt with the issue of violence against women.¹² With the installation of the international administration in Kosovo at the end of the war the number of NGOs dealing with issues of women's position, including violence against women, has increased. Most of these Kosovar NGOs are and have been financed by different international NGOs.

Prior to and during 2005 the Kosovo Consolidated Budget did not include support for NGOs dealing with violence against women; there are no funds allocated for the support of NGOs generally. This could be related to the small size of the overall budget.

In cases relating to campaigns, trainings, or conferences on violence against women, institutions participated, cooperated, or sometimes even co-financed these activities. One example of this cooperation was the project against trafficking in human beings. Different institutions, including the Prime Minister's Office for Good Governance, the Ministry for Education, Sciences, and Technology, the Victim's Advocacy and Assistance Unit, and different NGOs like IOM, participated in this project.¹³

1.5 State financing system to compensate victims

There is no financial system dealing with compensation for damage to victims of violence but institutions and different NGOs offer free services like sheltering victims and providing them with legal advice. A typical example of this is the Victim's Advocacy and Assistance Unit that acts as a part of the Supreme Court of Kosovo. This unit offers help to victims during the juridical process with free advice, representation before the court, and the provision of shelter. In some cases the Victim's Advocacy and Assistance Unit offers monetary compensation for the safe houses that take the responsibility of sheltering victims.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

Only independent states that are internationally recognized can be party to CEDAW. Taking into consideration that Kosovo does not have the status of an independent state, it cannot be a party to CEDAW. Abit Asllani, Director of the Directorate for Legislation in the Office for Good Governance of the Prime Minister's cabinet, said in an interview that Kosovo's Constitutional Framework (a substitution for a state

¹² Personal interview with Visare Gorani-Gashi, Chief of the Office for Gender Equality within the Prime Minister's Cabinet. Interview made on January 30, 2006.

¹³ Personal interview with Arta Kelmendi, *ibid*.

constitution) has taken into consideration the recommendations from CEDAW. The law against all forms of discrimination is in harmony with this convention. In this way, Kosovo has created a mechanism for implementing CEDAW.¹⁴

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

There is no special law in Kosovo on violence against women. There are a number of different laws that indirectly deal with violence against women in terms of violence against individuals, either within the family or in public. It does not specifically address violence against women but rather violence against all persons. The Law for Gender Equality, the Anti-Discrimination Law, the Regulation on Domestic Violence, and the Regulation against the Trafficking of Human Beings are other forms of legislation that indirectly deal with violence against women.

The UNMIK Regulation No. 2003/12 on Protection against Domestic Violence creates special legislation for punishing perpetrators of violence in the family, as well as protecting victims of domestic violence. The Section 1(2) provides a definition of domestic violence. The Regulation requires public institutions including social work centers, the Kosovo Police Service, and the court system to coordinate their work. The Regulation also requires all enforcement bodies to provide victims with information about their rights and obligations, and the assistance services available for them. According to the Regulation, the court can issue a protection or an emergency protection order; while the police is entitled to issue an interim emergency protection order. The protection order may, *inter alia*, prohibit the respondent from committing any act of domestic violence against the protected party, from harassing, contacting, and approaching within a specified distance the protected party. The order may limit the access of the respondent to the child of the protected party and may prohibit from entering or remaining in the residence of the protected party, regardless of respondent's ownership rights. If the perpetrator violates this order, then he (she) will be arrested immediately and held in jail for 72 hours. The police maintain the right to hold the perpetrator for more than 72 hours or until the end of the trial, if they have reason to believe that the perpetrator could harm the victim again.

¹⁴ Personal interview with Abit Asllani, *ibid*.

According to UNMIK Regulation No. 2001/4 on the Prohibition of Trafficking in Persons in Kosovo engagement or attemptation to engagement in trafficking in human beings is a crime for which the punishment ranges from two to 20 years in prison, depending on the case. Withholding someone's identification documents and/or passport is punishable from six months to five years in prison, depending on the case.

Article 2 of the Anti-Discrimination Law obligates equal treatment and prohibits "direct or indirect discrimination against any person or persons based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth, or any other status."

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

The Temporary Criminal Code of Kosovo, in force since April 6, 2004, created legislation for combating all forms of criminal activity. Violence in the family is regulated and sanctioned effectively within the temporary criminal code. In addition, the interim Criminal Code of Kosovo prescribes a more severe punishment if minor bodily injuries are committed against a family relation.

Some aspects of violence against women, such as sexual abuse, are sanctioned by the UNMIK Regulation No. 2003/25 on the Provisional Criminal Code of Kosovo (cf. Article 192). Chapter XIX on Criminal Offences against Sexual Integrity prohibits, *inter alia*, rape, commission of sexual acts by threat to honour or reputation, sexual assault, degradation of sexual integrity, sexual abuse of persons with mental or emotional disorders or disabilities, sexual abuse of persons under the age of sixteen years, sexual abuse by abusing position, authority or profession, and facilitating prostitution.

Chapter XX of the Provisional Criminal Code on Criminal Offences against Marriage and Family orders to punish, *inter alia*, bigamy, forced marriages and violating family obligations.

Besides UNMIK Regulation on the Prohibition of Trafficking in Persons (cf. Sections 2–3), the Provisional Criminal Code of Kosovo (cf. Article 139) also renders for punishment of trafficking in persons.

If in those cases that Article 2 of the Anti-Discrimination Law defines as discrimination the offender is the state, a person can file a suit against the state in the Supreme Court and also with the Ombudsperson's Office. The sanctions are regulated by the Provisional Criminal Code of Kosovo (cf. Article 339).

2.2.2 Criminal procedures and prosecution

Following the approval of the UNMIK Regulation on Domestic Violence, the courts have, in practice, considered the resolution of domestic violence cases a priority.

In some cases this is also due to the impossibility of sheltering victims for a longer period of time. According to LT. Besim Berisha, an official in the unit for domestic violence, the Kosovo Police Service department of serious crimes has “some cases when women victims of domestic violence do not have the possibility of shelter, so the court must proceed with the case immediately.”¹⁵

According to Valbona Salihu, a jurist from an NGO called Norma Women Lawyers’ Association (hereinafter “Norma”), the main criteria for evaluating which case is a priority for trial are as follows: “Court cases are processed in such a way that cases with prior imprisonment or high risk are a priority. If a case of violence against women is considered an emergency, it will proceed.”¹⁶ After an incident of domestic violence is reported to the police and the police have confirmed that violence occurred, the victim must decide whether or not to press charges against the perpetrator. If she decides to press charges, the court is required to immediately proceed with the case; the exact time limit is not prescribed for this. In cases of violence against women outside the family, the case is processed according to regular procedures.

As mentioned above, if a victim of domestic violence requests that procedures be initiated, cases must be processed immediately. The police record the facts, but whether the victim wants to press charges or not depends on the victim, except for the case where there brutal violence is very easily identified. In cases like trafficking the procedure starts immediately.

According to the internal regulations the police are obligated to investigate and record all reported cases. Even in cases where individuals call and then deny their prior allegations, the police are still required to investigate and record the case. According to LT. Besim Berisha when the police receive a call for violence against women, the procedure is as follows: First, they send a police patrol to confirm whether the call is true and if violence has occurred. If violence has occurred, they call a special unit for domestic violence, which exists in every police station. Usually these units are comprised of two police officers (a man and a woman) who are specially trained for dealing with domestic violence situations. If, according to the nature of the violence, the woman is resistant to talking in front of the police, then the policewoman does the

¹⁵ Personal interview with Lt. Besim Berisha, official in the domestic violence sector of the Directorate for serious crimes. Interview made on January 1, 2006.

¹⁶ Personal interview with Valbona Salihu, jurist from Norma Women Lawyers’ Association. Interview made on February 2, 2006.

interview in a separate room. If the police determine that violence has occurred, they immediately arrest the offender or, in that person's absence, they declare an arrest. The subject must be sent to court immediately.¹⁷

Social norms based on tradition and informal codes, such as the "Lekë Dukagjini Canon," at times interfere with the implementation of court decisions regarding violence against women and children.¹⁸ Decisions regarding prosecutions in the public interest are an aggravating factor because they interfere with the traditional set of values based on informal codes such as the "Lekë Dukagjini Canon." The Code of Lekë Dukagjini is a set of laws developed by Lekë Dukagjini and used mostly in northern Albania from the 15th century until the 20th century, which were revived recently after the fall of the communist regime in the early 1990's.¹⁹ With the Provisional Criminal Code of Kosovo and the Regulation on Domestic Violence, activities to combat violence against women have been simplified. According to the NGO Center for Protection of Women and Children's 2004 Annual Report "the temporary criminal code of Kosovo specifies that for minor body injuries, if the offender is of family relation, the punishment is harsher."²⁰

2.2.3 Special provisions in the defense of children

Currently, although there is no special provision dealing with children, they fall under the Family Law and the UNMIK Regulation on Domestic Violence and therefore have the right to protection and legal representation just as other persons. Provisions in the UNMIK Regulation on Domestic Violence created special legislation for punishing perpetrators of domestic violence as well as protecting and offering help to victims. Also, if children need shelter, the Victim's Advocacy and Assistance Unit, in collaboration with the centers for social work, take responsibility for sheltering them.

¹⁷ *Ibid.*

¹⁸ The Code of Lekë Dukagjini or simply "Kanuni" (in English "Canon").

¹⁹ This set of laws was customarily passed down through the generations and not codified and written down until the 19th century by Shtjefën Gjeçovi. Although Kanuni is attributed to the Albanian prince Lekë Dukagjini, the rules evolved over time as a way to bring laws and rule to these lands. The code was divided into several sections: Church, Family, Marriage, House, Livestock and Property, Work, Transfer of Property, Spoken Word, Honor, Damages, Law Regarding Crimes, Judicial Law, and Exemptions and Exceptions.

²⁰ Center for Protection of Women and Children (2004) *Annual Report 2004*, No. 5 (Pristina: CPWC).

2.3 Applicable provisions in civil and family law for cases of violence against women

The Law No. 2004/32 of January 20, 2006 on the Family (the Family Law of Kosovo) codifies individuals' rights within the family. The law is divided into ten parts. The third part regulates marriage procedures, relations between the parent and child, and food.

Within this law and the Regulation on Domestic Violence there are provisions for cases of violence against women within the home. Cases of violence against women entail the right to compensation. For example, if a woman who has suffered from domestic violence chooses to divorce her husband, she may receive compensation from him or his estate. There are no special provisions to process the case. As stated above, children fall under the same legislation as all other persons.²¹

All issues regarding the regulation of divorce, housing and child custody/visitation rights in cases of domestic violence are regulated by the Regulation on Domestic Violence.

2.4 Victim protection and protection of witnesses

The Victim's Advocacy and Assistance Unit (VAAU) acts according to existing legislation, such as the Temporary Criminal Code of Kosovo, the UNMIK Regulation on Domestic Violence, and the Anti-Discrimination Law. According to the law, the procedures are as follows: after a case is reported by the police or the VAAU is contacted directly, the unit names an official from VAAU as a defender of the victim. He or she will then appoint a lawyer free-of-charge. If the victim is not already sheltered, he or she will be ensured shelter. In some cases the VAAU compensates the NGO-shelters with money for sheltering the victim. The victim is followed through until the end of the trial. Also, the VAAU has phone numbers in every region where victims can be informed about their rights.

Witness protection is regulated through the temporary criminal code of Kosovo. Article 14(3)(g) allows for protection not only of the victim, but also for third party witnesses of violence.

The police have their own internal policies for these issues. They are provisions of police internal rules which regulate response and are in harmony with the Regulation on Domestic Violence. In cases where necessary the police involve a woman officer for interviewing the victim. If the victim is not safe, then she must be sent to the VAAU.

²¹ See Provision 14 of UNMIK Regulation No. 2003/12 of May 9, 2003 on Protection against Domestic Violence.

During police questioning the victim has the right to give her testimony in a private room. The first interview is recorded, is signed by the victim and sent to court. Victims testify a second time in court. If the violence committed was sensitive in nature (such as sexual violence, incest, etc.) the VAAU provides the victim with a female lawyer.

Article 7(3) of the UNMIK Regulation on the Prohibition of Trafficking in Persons in Kosovo states that it is at the judge's discretion whether or not the recorded testimony of the victim can be used as the victim's testimony. If the judge decides that it does not provide sufficient evidence, he or she can ask the victim to testify in court. In cases of trafficking the judge will then oversee which questions can and cannot be asked of the victim in court. However, in cases of violence against women that are not related to trafficking there are no specific conditions related to secondary victimization, repetition of testimony, or unwarranted questioning.

Lt. Besim Berisha emphasized that the anonymity of the victim is assured in any case. This is regulated by an internal regulation which is in harmony with the temporary criminal code of Kosovo. This information cannot be used by a third party.²² While transferring data, the anonymity of the victims must always be ensured.

Regarding the protection of children there are only laws that govern all persons. However, these are in harmony with all European conventions on children's rights. Valbona Salihu stated that according to the law against domestic violence in cases where children are at risk they are sheltered in safe houses with their mothers. Based on the law against domestic violence the VAAU is responsible for taking protective measures in cases where children are victims. In most cases the safe houses that shelter women also shelter children. The Provisional Criminal Code of Kosovo, which entered into force on April 6, 2004, created legislation for combating all forms of criminal activity. Within this law are provisions about professional confidentiality in relation to sexual violence against children.²³

There are no special laws for protecting professionals working in shelters or in places where services are offered in cases of violence against women.

2.5 Legal assistance and representation for the victims of violence against women

Once a police report has been issued documenting that violence has occurred everyone has access to free legal aid from the following public and private institutions.

²² Personal interview with Lt. Besim Berisha, *ibid.*

²³ Personal interview with Valbona Salihu, *ibid.*

The VAAU is a public unit in the Supreme Court of Kosovo. It offers free legal aid, advice, and legal representation to all victims according to the victim's specific needs prior to and during the trial.

The VAAU compensates NGO shelters with money for sheltering the victim in some cases. However, shelters do not agree that this compensation is consistently provided. The VAAU also has phone numbers in every region where victims can receive free legal assistance. Funds come from the VAAU's budget which is drawn from the Kosovo Consolidated Budget.

There are a number of NGOs that also offer free legal assistance before and during procedures. The most active include the Women's Association in Gjakova, Norma Women Lawyers' Association, and the Center for Protection of Women and Children which has locations throughout Kosovo. Their funding is drawn primarily from international donor organizations. Norma, a Kosovar NGO founded after the war, offers free legal aid including advice to victims before and during the trial. The association's activities mainly consist of offering free legal aid in regard to civil law issues, such as divorce, property rights, etc. The NGO does not offer legal assistance in penal cases, but only in civil law cases. For penal law cases clients are directed to the Center for Protection of Women and Children (CPWC) which provides free legal aid as well as legal representation.

2.6 Providing information for victims about their rights, obligations, and the services available

Section 14(3) of the UNMIK Regulation on Domestic Violence requires all enforcement bodies to provide victims with information about their rights, obligations, and services for help. The VAAU is responsible for appointing an advisor responsible for advising the victim and finding a lawyer for the victim during the trial.

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

The *Kosovo National Action Plan for Gender Equality* foresees that all laws should harmonize with all European conventions and resolutions, including the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and United Nations Security Council Resolution 1325. Plans for national, regional, and urban planning are in the compilation phase. It is not yet known if violence against women and women's security will be taken into consideration.

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

Article 14 of the Regulation on Domestic Violence specifies the responsibilities of all law enforcers, which include securing transportation for victims, arresting perpetrators, informing victims of aid, offering legal aid, and healthcare, etc. According to the same law, law-enforcers must collect gender-disaggregated documentation while registering cases and include information about the relationship between the victim and offender, etc. This includes detailed rules and guidelines for the hearing and treatment of the victims as well as the collection of evidence and information. As mentioned above internal policies require the police to respond to, investigate, and record all calls related to violence against women. According to this law, all law-enforcers must abide by the law and includes the professions of police officers, lawyers, judges, and other law enforcement agents.

3.2 Legal regulations of inter-agency cooperation

The Regulation on Domestic Violence requires public institutions, including the Centers for Social Work, Kosovo Police Service, and the court system, to coordinate their work. The law also suggests that public institutions cooperate with NGOs and shelters.

3.3 Medium- and long-term coordinated action plans for the different professions

Currently there are not any medium or long-term action plans for professions in the field of violence against women.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

The Kosovo Women's Network (KWN) was established in 2000 as a formal network of women's NGOs located throughout Kosovo. The members of this network offer a diversity of services within their communities. Some deal with issues related to violence against women, trafficking, and prostitution.²⁴ The five main shelters located

²⁴ See www.womensnetwork.org/pdfs/Plani_strategjik_titujt_AL.doc.

throughout Kosovo are all members of this network and have come together to meet with representatives from the central government to advocate for more financial and technical support from the government.

KWN collaborates with Kosovar governmental institutions and has realized a few joint projects that deal with violence against women. For example, members of the network led a Campaign against Violence against Women in 2001, which used theatrical performances and new hit songs written for the purpose of informing citizens about violence against women within their communities and mechanisms for addressing it. Different members of the community were involved in the campaign, including NGOs, the police force, lawyers, and famous actors and singers. In 2004 KWN members, including CPWC, cooperated with the Swedish International Development Agency (SIDA), the Organization for Security and Cooperation in Europe (OSCE), the Kosovo Police Service School, the International Organization for Migration (IOM), Serbian Women's Network Zora, the Center to Protect Victims and Prevent Trafficking of Human Beings and Kvinna forum for the "Lilja Forever" Campaign, to increase awareness about the sex trade and trafficking among politicians, police officers, authorities, social workers, journalists, and the public through a film by Swedish Director Lukas Moodysson.²⁵

In conclusion, usually the cooperation of the Network members is linked to specific awareness-raising campaigns and activities which often involve political decision-makers, the educational system, and police bodies. In addition, the safe houses cooperate with each other and with public institutions, such as the police and Ombudsperson's office, and refer clients to centers that have space to house them and where they can receive services.

The Office for Gender Affairs within the Prime Minister's Office opened in 2005 and is meant to be an advocate for gender equality within decision-making and involve NGOs in drafting, designing, and evaluating the implementation of legislation. This institutional mechanism does not yet have any "systematic mechanism" for involving NGOs in legal processes.

Despite the lack of systematic mechanisms to involve them Kosovar NGOs have taken the initiative to launch and participate in drafting laws that deal with gender equality. For example, Kosovar women's NGOs initiated, organized, and led the process of drafting the Gender Equality Law and the *National Action Plan for the Achievement of Gender Equality*.

The Center for Protection of Women and Children (CPWC) and Norma have monitored juridical proceedings to evaluate how the principles linked with violence are

²⁵ See KWN Annual Report 2004, also available at www.womensnetwork.org.

being implemented. The CPWC 2004 Annual Report concluded that there has been “flagrant lawlessness of rights of victims/witnesses in the courtrooms.”²⁶

3.5 Leading NGOs working in the field of violence against women in the country

- The *Center for Protection of Women and Children* (CPWC) is located in Prishtina but has sub-branches located throughout Kosovo. It concentrates on issues related to violence against women and violence against children. It offers health services, psycho-social support and counseling, legal aid, and links to shelters. Among others it receives financial support from Kvinna till Kvinna (Swedish), UNIFEM, the Organization for Security and Cooperation in Europe (OSCE), UNICEF, Women’s AID, and Kinderbeg.
- The *Norma Women Lawyers’ Association* is located in Prishtina but also assists clients located outside the capital. Norma provides free legal aid to women in civil cases like divorce, housing, property rights, etc. Norma has monitored the work of regional courts and centers for social work. It has received support from UNICEF and USAID via the Foundation for Democratic Initiatives (FDI).
- The *Women’s Association* is located in Gjakova. It conducts research on violence against women, provides free legal aid, and referrals to shelters. It cooperates with the United States Office in Prishtina, UNHCR, CARITAS, the Community Development Fund, the Kosovo Foundation for Open Society, and Kosova Action for Civic Initiatives (KACI).
- The *Women’s Wellness Center* is located in Peja. The center conducts awareness-raising activities about violence against women, offers psycho-social support to victims, and provides referrals to shelters. It collaborates with the Center for Social Work, the gynecological department in Peja hospital, other NGOs from Peja, the police, UNMIK, and OSCE. Its projects are financed by different international donors.
- *Liria* in Gjilan conducts educational activities in regard to violence against women, offers psycho-social support to victims, and provides referrals to shelters. It receives some support from the local municipal government, but the majority of its support comes from international donors.

²⁶ Center for Protection of Women and Children (2005) *Annual Report 2004*, No. 5 (Prishtina: CPWC).

There are additional safe houses operating as NGOs with financial support from international donors. To protect their anonymity names and locations are not provided in this report.

- The *Center to Protect Victims and Prevent Trafficking of Human Beings* (PVPT), located in Prishtina, coordinates with different local and international NGOs and police forces to assist victims of trafficking. It receives funding from international donors.
- The *International Organization for Migration* (IOM), an international IGO operating in Prishtina, provides support to victims of trafficking, including psycho-social counseling, shelter, and assistance in relocation or return to home countries. It also takes part in some awareness-raising and educational activities. It receives funding from international donors.

It should be noted that although the Kosovar government may rarely provide minimal financial compensation to NGOs and safe houses working on violence against women, the vast majority of financial support for these NGOs comes from international donors.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

The Victims' Advocacy and Assistance Unit (VAAU) is a unit inside the Supreme Court of Kosovo which offers aid to victims during juridical processes, advice, and free representation before the court. This includes the appointment of a defense lawyer. If the victim does not have shelter, the unit accommodates the victim in one of the shelters run by NGOs. In some cases the unit offers monetary compensation to safe houses that take responsibility to shelter victims.

As previously mentioned, based on a legal requirement set forth in the Regulation on Domestic Violence a special unit for domestic violence exists in every police station. Usually these units are comprised of two police officers (one man and one woman) who are specially trained to deal with different situations relating to violence at the Kosovo Police Service School. As mentioned before victims have the right to speak to a female officer if they wish. The Kosovo Police Service has taken steps to recruit women into the police force for this purpose as well as to improve gender equality within the force. According to the Gender Equality Law, all professions are required to have a 40 percent quota of women within the work force.

Special units or responsible persons in other law enforcement bodies, such as child protection services and courts, do not exist.

5. AVAILABLE SERVICES

5.1 Shelters for victims of violence

In Kosovo five main shelters and numerous small, confidential shelters exist for victims of violence. The exact data about their location and contact information as well as their codes of conduct cannot be published in order to ensure their confidentiality and the safety of their clients. However, some general data is available. All of the five main shelters operate under the umbrella of NGOs.

The main shelters have policy manuals that specify guidelines for the treatment of victims and cooperation with public institutions. One shelter is located in each of Kosovo's five regions. In total these shelters have the space to house approximately 150 people at one time. Although exact data is not available, during interviews these five safe houses have emphasized that they often are forced to turn people away because they do not have enough space and/or funding to house them. The shelters are nearly always filled to their maximum capacity.²⁷

By and large the shelters are completely free-of-charge as nearly all of their clients are unemployed and therefore cannot afford to pay for the shelters' services. However, in some cases where clients stay for long periods of time (e.g., more than six months), the NGO shelters assist clients with finding secure jobs so that they can help pay for their meals, etc.²⁸ The maximum period of stay is not absolute, but depends on the need of the victim.

The shelters offer immediate, diverse services including medical assistance, rehabilitation, counseling, legal support, learning opportunities, etc. Most shelters also provide opportunities for children victims of violence who can stay at the shelter with their mothers. Agreements are made with nearby public schools so the children can continue their education while residing at the shelter. In some cases shelters provide secure transport for mothers who have been victims of violence to visit their children residing outside of the shelter.

In total, approximately 40 people of various occupations are employed by these shelters. In addition to directors and managers, gynecologists, general practitioners, lawyers, and other trained professionals provide services to shelter clients.

Cases involving foreign women, especially victims of international trafficking, are usually referred to IOM. IOM, an international IGO with its own shelter facility, provides shelter, rehabilitation, and repatriation in certain cases. However, the Kosovar

²⁷ Based on interviews conducted by the Kosovar Gender Studies Center in the fall of 2005.

²⁸ *Ibid.*

safe houses have also treated some immigrant women. Usually, these include women who were trafficked or came to Kosovo as refugees within the last five to ten years from countries in the region. The Kosovar safe houses have a few beds reserved specifically for victims of trafficking.

These NGOs/shelters are financed primarily by international NGOs such as Kvinna till Kvinna, Kosovo Foundation for Open Society, OSCE, and KFOR, among others.

In fact, representatives from the five major shelters located throughout Kosovo recently met with the Minister of Labor and Social Services to request support because nearly all victims of violence against women are currently directed by the police or international institutions to receive help from the shelters. While performing a function that could be considered governmental, the shelters receive little, if any, financial support from the government – as has been a major complaint.²⁹

5.2 Hotlines for victims of violence against women

The S.O.S. line in Kosovo offers two kinds of services: emotional support and a line for victims of trafficking. The S.O.S. line is mostly staffed by students and psychologists from Prishtina University who are trained by the Kosovo IOM. This line operates 24 hours a day and can be reached from all regions in Kosovo. It is free-of-charge. The S.O.S. line number is +377-0-44-0-80-80. In addition to advice, personnel provide instructions where and how the victims can obtain help. If the victim knows her location, the IOM contacts the police. In a way this line also serves as a liaison between victims and the police.

Victims of violence can make telephone calls to the police at any time. The telephone numbers for the police are 044-112 and 044-92. Once a case of violence has been confirmed, the police send the victim to the sector for domestic violence within the Directorate for Serious Crimes. Each shelter has a protected telephone line where victims of violence can make calls all around the clock.

All five main shelters in Kosovo also have free, 24-hour S.O.S. hotlines that provide counseling and information about available services. They do not provide legal advice by phone and are geared more toward emergency situations. Thus eight known hotlines exist. On all hotlines trained professionals deal with all forms of violence. They follow internal guidelines in answering calls. There are no reports or analyses about their work. All hotlines are funded by international donors with the exception of the police hotlines which are funded by the Kosovo Consolidated Budget.

²⁹ For information about this meeting and their requests see www.womensnetwork.org/main_page_files/Newsletter.pdf.

5.3 Crisis intervention centers

The Center for Protection of Women and Children has two crisis centers for immediate emergency shelters for victims. There is a shelter for victims of domestic violence and a shelter for victims of trafficking and forced prostitution. "These shelters are only for victims whose life is in danger, and the maximum period of stay is three weeks."³⁰ They are available for people anywhere in Kosovo and victims are usually referred from different locations.

Most of the other shelters located throughout Kosovo also provide emergency shelter for victims of domestic violence, trafficking, and rape. However, they have been forced at times to turn people away due to lack of space. All shelters and emergency services are available free-of-charge. These are the same shelters mentioned above, and thus the services provided, codes of conduct, services for immigrant women, staff, and services for children are all the same as mentioned above.

5.4 Intervention programs for the perpetrators

In Kosovo there is currently no intervention program for perpetrators.

5.5 Other victim support services

In Kosovo there are no known official groups or self-help groups that offer services to victims. However, all of the aforementioned five shelters provide social activities and informal support for victims sheltered there. Victims of violence staying at shelters are often given the opportunity to participate in different social activities such as courses in computers, sewing, and cooking, which serve as social support mechanisms. Women staying at shelters participate in common social activities which provide an informal atmosphere where they can support each other. In certain cases, some shelters also provide clients with educational opportunities and assistance in finding employment.

³⁰ Center for Protection of Women and Children (2005) *Annual Report 2004*, No. 5 (Prishtina: CPWC).

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

Lulevere Kadriu, Coordinator of the Office for Human Rights in the Ministry of Education, Science, and Technology, stated the Ministry of Education, Science, and Technology, in 2005 that in collaboration with UNICEF, had begun a pilot-project to include a new primary school subject in curriculum for the eighth grade. The subject “Life Skills” includes different themes related to gender issues such as violence in general, domestic violence, trafficking in human beings, gender stereotypes, sexuality, etc.”³¹ This lesson was only one, 45-minute lecture. The pilot project took place in 30 elementary schools in Kosovo. The program was to be evaluated at the end of the school year by the Ministry, but so far the results have not been disclosed yet. A questionnaire for pupils and teachers will be used to evaluate the results of the pilot project. Based on the findings a decision will be made whether or not to continue the program. Teachers lecturing on this subject were given a nine-day training. The entire project was financed by UNICEF.

Less formal education has been provided by NGOs. For example as part of the aforementioned “Lilja Forever” Campaign which is based on a film about a teenage girl who becomes a victim of trafficking, local NGOs collaborated with schools in their municipalities to show the film to parents and students. The film was sometimes shown to parents and students separately so that candid discussions about the issue could take place. Different NGOs periodically run television or radio advertisements on the local and central levels with information about violence against women, rights under the law, and places to get help.

The aforementioned “Life Skills” pilot program is taught to students in the eighth grade of elementary school, and it contains three modules linked to sexual education: (1) “What is sexuality?”; (2) “What minimizes sexual dangers?”, and (3) “What is trafficking in human beings?”. The program was initiated by the Ministry of Education and is funded by UNICEF.

6.2 Mandatory and other training programs for future professionals

All police officers in the Kosovo Police Service are required to attend trainings where they learn to handle diverse kinds of violence, including domestic violence, physical

³¹ Personal interview with Lulevere Kadriu, Coordinator of the Office for Human Rights in the Ministry of Education, Science, and Technology. Interview made on January 31, 2006.

violence, sexual violence, and trafficking in a professional manner. They receive this training prior to becoming officers at the Kosovo Police Service School located in Vushtrri. The police school was primarily funded by donations from international actors through OSCE.

The University of Prishtina also offered its first gender courses in the Sociology Department in 2004.

In other professions trainings in regard to violence against women and gender are more *ad hoc* and are not mandatory.

6.3 Mandatory and other training programs for practicing professionals

In 2002 the Kosovo Foundation for Open Society supported a program in which NGOs dealing with domestic violence trained police, judges, and journalists on issues related to violence against women. The program, with each training session lasting for two days, was carried out for three months in four municipalities.

In 2005 the Ministry of Education held a nine-day training for teachers in the aforementioned pilot project for the new subject called “Life Skills.” The Ministry trained 210 teachers in different subjects, including combating trafficking in human beings. Afterward, the teachers incorporated trafficking as a theme within their curriculum. Thus teachers create a space for debates about trafficking and violence against women and children within the other subjects on which they lecture.

Although there are no official training programs for professionals other than those mentioned above, there are a plethora of trainings provided by different local and international NGOs in relation to gender and sometimes violence against women as well. Since gender trainings have been somewhat of a ‘hot topic’ among the international donor community in Kosovo, the plethora of such programs, including the number of participants, duration, and content cannot all be described here. The vast majority of these programs were implemented by local NGOs with funding from international donors and occurred on an *ad hoc* basis. There are a number of local ‘gender trainers’ in Kosovo involved in such programs, many of whom claim to have trained hundreds of individuals on gender, a training which typically includes gender roles, stereotypes, and brainstorming on how to move toward greater gender equality in society.

In addition, the government has begun efforts to train its staff members by offering optional gender trainings.

6.4 Gender equality issues in higher education curricula and human rights programs

The Sociology Department at the Faculty of Philosophy at Prishtina University has one course on “Gender Studies,” and it addresses violence against women. The same department also offers a course called “Social Pathology” which addresses family violence and violence against women. These courses are mandatory for students of sociology.

There are no other continuing educational programs that deal exclusively with human rights. However, most discussions dealing with human rights usually include a gender perspective. In human rights lectures or roundtables organized by NGOs such as the Council for Defense of Human Rights and Freedoms, issues linked to gender are also discussed.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

According to Robert Gillette, Temporary Media Commissioner for Kosovo³² “There’s no regulation or law which regulates the portraiture of violence against women.”³³ With the exception of the Interim Criminal Code of Kosovo, applicable to the media, there are no other laws that regulate this issue.

7.2 Guidelines and codes of conduct for media professionals

In Kosovo there are no guidelines, codes of conduct, or special directives for Kosovar media in regard to violence against women or non-stereotyped images. The code for the media’s behavior is rather general and does not include any specific references to gender.

³² Robert Gillette was appointed Temporary Media Commissioner by the UNMIK Special Representative of the Secretary-General in July 2003.

³³ Telephone interview with Temporary Media Commissioner for Kosovo on February 14, 2006.

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

The Temporary Media Commission for Kosovo³⁴ is the sole institution that deals with monitoring the media in Kosovo. It has the power to take financial and other disciplinary actions against the media for misrepresentation of ethnic minority groups. It does not, however, have any special policy on the treatment of violence against women in the media.

There are a number of NGOs that have periodically monitored the portrayal of women in the media and published reports and clippings on their findings. However, no NGOs have any power to influence the media, and few, if any, have undertaken serious efforts to advocate for changes in the media's portrayal of women.

7.4 Training programs for media professionals on violence against women

The issue of violence against women is not incorporated into media school curricula. A number of professional journalists in Kosovo have stated they were unaware of any kind of training on stereotypes or gender preconceptions for journalists in Kosovo. Some media claim to train their professionals on gender but there are no trainings specific to violence against women.

7.5 Media activity in raising the awareness of the general public of violence against women

Most media at the central and local levels have supported one campaign or another to alert the general public about violence against women. This was generally done in cooperation with an NGO working on the issue. Every year for the International Day for the Elimination of Violence against Women (November 25) all three national television stations (RTK, RTV21, and KTV) and radio channels in Kosovo, as well as many local television and radio stations, broadcast diverse programs and musical spots against violence against women.

During the campaign "I Decide for Myself," carried out by IOM, the Finnish Government, INTEGRA NGO, and the Office for Good Governance in February 2006, the Kosovar media also broadcast different musical spots against trafficking in

³⁴ "The TMC seeks to promote the development of a viable media market serving all of Kosovo's people; encourage professionalism among journalists, media managers, and owners; protect the freedom of expression, diversity of opinion, and access to information for journalists and the public, as well as the interests of media users and operators according to the rule of law." Cited from www.imc-ko.org.

human beings. IOM periodically supports programs against violence against women and trafficking in different media locations.

The Kosovo Women's Network and its members nearly always involve local and central level media in their campaigns. The aforementioned "Campaign against Violence against Women" in 2001, supported by Kosovo Foundation for Open Society Institute and other donors, and the "Know Your Rights Campaign" in 2004–2005 involved RTV21 in broadcasting the performances as well as music videos that dealt with the topic of violence against women. This project was supported by UNIFEM.

7.6 Analyses on violence against women in the media

The Kosovar Gender Studies Center (KGSC) monitored the media and collected press clippings in 2003 (*Shtypi kosovar mbi dhunwn gruas shkurt – prill 2003*). The project was financed by the Kosovar Foundation for Open Society. Six national daily newspapers were monitored. KGSC recommended that daily newspapers and magazines reflect more on violence against women and include more informative analyses. In 2005 KGSC surveyed media throughout Kosovo with some questions related to violence against women. These findings will be published in late 2006.

Perhaps the most comprehensive study focusing specifically on violence against women in Kosovo, including the media, was published by UNIFEM Kosovo in October 2000. The report, "No Safe Place: An Assessment on Violence against Women in Kosovo," was produced with support from the British Department for International Development (DFID).

Some other NGOs have also conducted media monitoring, but their reports mostly included clippings and did not contain conclusions or recommendations. Most received funding from international donors.

8. AWARENESS RAISING

8.1 Campaigns on violence against women

In the last five years numerous campaigns against violence against women have been developed and implemented in Kosovo. However, it is very difficult to identify their exact number. Many women's NGOs organize campaigns in relation to the International Day for the elimination of Violence against Women (November 25), the International Women's Day (March 8), and the Week against Trafficking in Human Beings every year. For example, the Women's Wellness Center in Peja organizes a

white ribbon day with support from the media, police, student volunteers, and entire community each year on November 25.

Small campaigns have been organized in cities throughout Kosovo by local women's NGOs. Larger campaigns are often organized in Prishtina and then travel to other cities. In most cases these events are implemented with financial and technical support from international donor organizations that operate in Kosovo.

In 2001 KWN, a network of more than 77 women's NGOs across Kosovo, coordinated a "Campaign Combating Violence against Women." The campaign utilized art and theatre to increase public knowledge about the problem of violence against women, including domestic violence, war rape, date rape, trafficking, and prostitution. Kosovar activists composed eight songs and wrote six monologues based on true stories which were performed live by famous actors and singers throughout Kosovo and were shown on the media. By raising awareness KWN sought to curb the increase in trafficking of women, help women gain the courage to break out of violent situations, and explain services available to victims of violence. Rather than end in tragedy, the pieces empowered 'victims' to overcome social prejudices, find support from people or institutions, and become 'survivors'. The campaign led to an increase in police reports against violence, as well as a decline in harassment in the workplace. KWN organized a similar campaign in 2005 called "Know Your Rights" to increase the general population's awareness of their legal rights under different gender equality mechanisms.³⁵ This campaign included a widely broadcast music video about violence against women. It was supported by UNIFEM. Both campaigns targeted the general public and took place over a period of several months.

The Center for Protection of Women and Children (CPWC) implemented a series of activities focused mainly on raising awareness of citizens about violence against women, specifically focusing on domestic violence. In 2003 CPWC organized different seminars on violence against women, and the main target groups were the police and high school students.³⁶ In 2001 CPWC organized a campaign called "Rape as a weapon of war" which was organized with the aim of recognizing women's rights and using these rights as a tool for fighting violence both within and outside the family.³⁷

³⁵ "Kosovar Civil Society Report to the United Nations on Violence against Women in Kosovo," Prepared by Nicole Farnsworth, Ilire Rizvanolli, and Lauren Bean for the Kosovar Gender Studies Center, Prishtina. Available at kgscenter.org/program.php?id=26&lng=EN. For more information, see also www.womensnetwork.org.

³⁶ Center for Protection of Women and Children (2004) *Annual Report 2003*, No. 4 (Prishtina: CPWC)

³⁷ Center for Protection of Women and Children (2002) *Annual Report 2001*, No. 2 (Prishtina: CPWC).

In 2004 a coalition of local and international organizations coordinated the “Lilja Forever” awareness-raising campaign about trafficking of women and girls. The campaign was based on the film “Lilja Forever” by Swedish Director Lukas Moodysson, which describes the life and experiences of a young woman from Russia who becomes a victim of sex trafficking. The film was screened throughout Kosovo and followed by discussions. The campaign increased awareness of the sex trade among politicians, police officers, authorities, social workers, journalists, and the public.³⁸

There has not been any formal evaluation or follow-up about the effectiveness of these campaigns.

8.2 Conferences and other awareness raising, information, and prevention programs

In addition to the aforementioned campaigns and awareness raising programs, CPWC organized, between June 30 and July 2, 2002, a conference in Prishtina called “Violence against Women and Children in Kosovo,” which addressed the main forms of violence that women and children experience in their daily lives. Ways to prevent these forms of violence was also discussed.

In 2003 CPWC co-organized a conference against trafficking on human beings where different issues were analyzed and discussed, including information about the trafficking of human beings in Kosovo, its causes, consequences, and ways to fight it.

Many international and local NGOs participated in this international conference which was organized throughout different parts of the world.

Arta Kelmendi, Leader of the Victim’s Advocacy and Assistance Unit, said in an interview, “In 2005 in collaboration with the OSCE, Prime Minister’s Office, Ministry of Education, Science, and Technology, and American Office in Kosovo, we led a project against the trafficking of human beings. This campaign lasted two weeks with the aim of raising citizens’ awareness about trafficking, for example, how to protect the population and young people from trafficking. We delivered brochures, held lectures for secondary schools, and published throughout the media the phone number that victims of trafficking can call.”³⁹

³⁸ Nicole Farnsworth, Ilire Rizvanolli, and Lauren Bean (2004) *Kosovar Civil Society Report to the United Nations On Violence against Women in Kosovo* (Prishtina: Kosovar Gender Studies Center). Available at kgscenter.org/program.php?id=26&lng=EN. See also KWN 2004 Annual Report, available at www.womensnetwork.org.

³⁹ Personal interview with Arta Kelmendi, Kosovar leader of Victim’s Advocacy and Assistance Unit. Interview made on February 3, 2006.

8.3 Information materials for the victims about their rights and the services they can seek help

Many NGOs with programs or activities against violence against women have published packages and brochures on this important issue. These materials include information about the offices that deal with the issue, phone numbers for victims, as well as information about shelters. Some brochures including awareness-raising information about the number of women trafficked and women who have experienced violence. Usually, the information is published in three languages (Albanian, Serbian, and English). However, there are cases where the brochure is published only in Albanian and Serbian. The brochures are distributed broadly all over Kosovo (i.e., brochures in Serbian are distributed to places where the Serbian community lives).

One especially useful booklet titled *Know Your Rights* was published in 2005 in three languages by the Group for Analysis and Study of Gender Equality. It includes basic information about the different laws available in relation to gender equality and how citizens can access their rights under those laws. It has information about the following laws: CEDAW Convention, and Laws on Gender Equality, Marriage and Family, Domestic Violence, Labor and Gender Equality (including sexual harassment), and Gender Discrimination. 1000 copies were prepared for distribution and they were disseminated to different institutions and NGOs in locations throughout Kosovo.

The Norma Women Lawyers' Association also published a guide called *To Whom Shall I Turn?* with information for victims, including where to receive services, emergency phone numbers, etc.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

The International Organization for Migration (IOM) has done a piece of research called "Attitudes and Beliefs for Human Trafficking in Kosovo" in April 2005. In this research 900 people were surveyed all over Kosovo. The IOM Kosovo Counter-Trafficking Unit also periodically publishes a monitoring report on the situation of trafficking in Kosovo (every few years) which includes data about the prevalence of trafficking of women in Kosovo, demographics about who is trafficked, countries of origin, etc.

Amnesty International also published an in-depth analysis of case studies on the issue of trafficking in Kosovo. The report called "Does that mean I have rights? Protecting

the human rights of women and girls trafficked for forced prostitution in Kosovo” was published in May 2004.⁴⁰

In 2004 the Kosovo Women’s Network cooperated with agencies within the United Nations Mission in Kosovo to publish an analysis of women’s opinions and priorities called “Voice of Women” which discussed the issue of violence against women.⁴¹

In 2004 the Norma Women Lawyers’ Association monitored and assessed the efficiency of the judiciary and legal systems on custody issues and published the results.

In the fall of 2005 the Kosovar Gender Studies Center conducted research on the work of safe houses for a brief report entitled “Kosovar Civil Society Report to the United Nations on Violence against Women in Kosovo.”⁴² This research was carried out with the center’s own resources.

Perhaps the most comprehensive study focusing specifically on violence against women in Kosovo was published by UNIFEM Kosovo in October 2000. The study called “No Safe Place: An Assessment on Violence against Women in Kosovo” was produced with support from the British Department for International Development (DFID).

9.2 Violence against women on the agenda of research centers dealing with equality issues

The Center for Protection of Women and Children (CPWC) has an ongoing monitoring process for all clients of its center or sub-branches. All data collected throughout the year is published in the center’s annual report.⁴³ Since the center is the biggest shelter in Kosovo and maintains links with other shelters, its data provides an overall idea of the situation of violence against women on an annual basis. CPWC receives funding from international donors such as Kvinna till Kvinna and OSCE.

The Kosovar Gender Studies Center is a local research institute whose mission is to mainstream gender in all sectors of Kosovar society by increasing gender awareness, increasing the focus on gender issues in Kosovo’s educational system, developing gender studies, and ensuring the inclusion of gender-sensitive policies in all sectors of

⁴⁰ See www.amnesty.org/actforwomen. AI index: EUR 70/010/2004.

⁴¹ For a copy of the report see www.womensnetwork.org.

⁴² The report is available at <http://kgscenter.org/program.php?id=26&lng=EN>.

⁴³ See the CPWC website for these reports at www.cpwc-qmgf.org.

life.⁴⁴ Although the center does not focus solely on violence against women, it has conducted a few small-research projects on the issue, including the aforementioned study “Kosovar Civil Society Report to the United Nations on Violence against Women in Kosovo.”⁴⁵ The center is supported primarily by the Kosovar Foundation for Open Society, the Open Society Institute, and Kvinna till Kvinna.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

There are no indicators developed by the state or presented by governmental research on the rate of the violence against women. There is no systematic data collection on violence against women in Kosovo.

The method for collecting data has not been harmonized, and information exchange among different organizations and official institutions is lacking. For example CPWC records all the cases that come to the center; each victim fills out a form, and the center’s annual report on violence against women is drafted based on these forms.

The special police unit of the Police Department of Kosovo that deals with violence uses one specific form that includes lines to document the incident, to collect gender-disaggregated data, and to indicate the relationship between the victim and the offender.

All professions dealing with violence against women record their cases of violence against women in different ways but they do not exchange this information with other institutions.

Sergeant Tahire Haxholli, Information Officer in the Division for Domestic Violence in the Directorate for Serious Crimes, stated that the overall number of women in

⁴⁴ The center’s main objectives are: “To increase awareness, knowledge, and understanding of gender issues in Kosovo by conducting research, gathering relevant information, and disseminating information throughout Kosovo and abroad. Further develop gender studies in Kosovo by building researchers’ capacity to do gender-sensitive research, providing mentoring, including researchers in gender research, developing methodologies for gender research, and informing gender studies curriculum.” For more information see the KGSC website at <http://kgscenter.org/about.php?lng=EN>.

⁴⁵ The report is available at <http://kgscenter.org/program.php?id=26&lng=EN>.

Kosovo who experienced violence and reported it to the police were 1,054 in 2005. Also, according to Haxholli 71 women were sheltered.⁴⁶

The Supreme Court of Kosovo refused to provide information on the subject. It will take time to advocate for these figures to be made available according to the Access to Information Law.

There is a Statistical Office in Kosovo but it does not publish regular reports on violence against women. With the exception of CPWC no professions publish statistics on cases of violence against women and there is no national report.

KGSC was not able to gather any information about the existence of a genetic data bank for cases of sexual violence.

10.2 NGO statistics on violence against women

Each of the five main shelters maintains its own statistics in regard to the number of people housed, demographic information, etc. The Center for Protection of Women and Children maintains data on all cases that are handled by this center, including the forms of violence that these women experience. General findings are published each year in its Annual Report which is available on its website.⁴⁷ CPWC receives support from international donors such as Kvinna till Kvinna and OSCE for the publication of this report.

The CPWC Annual Report 2004 report shows that 96,218 women were beneficiaries of its services, 43,454 were direct beneficiaries and 52,764 were indirect beneficiaries. 1,271 were victims of domestic violence, general violence and institutional violence, 59 were victims of trafficking and forced prostitution, 26,970 were recipients of victim services, 74,401 received victim counseling, 3,650 received counseling through the S.O.S. line, 1,560 attended psycho-therapy sessions, and 212 victims were sheltered. In addition, there were 110 court cases handled by CPWC.⁴⁸

The other safe houses do not publish their statistics. However, KGSC is currently doing research on this issue and more concrete data will be available in the near future.

⁴⁶ Personal interview with Sergeant Tahire Haxholli, Information Officer in the Division for Domestic Violence, Directorate for Serious Crimes. Interview made on January 10, 2006.

⁴⁷ For more information about the yearly findings see www.cpsc-qmgf.org.

⁴⁸ Center for Protection of Women and Children (2005) *Annual Report 2004*, No. 5 (Prishtina: CPWC).

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

The role of the Ombudsperson's Institution in Kosovo with regard to violence against women can be considered very informative. For example, if there is a domestic violence case that requires assistance from this institution, the officials in this office direct women to the specific organization that can assist them. Women in need of legal assistance are directed to Norma or CPWC. "There have been cases of domestic violence that came to us," stated Luljeta Domaniku, lawyer at the Ombudsperson's Office, "We have directed them to other places."⁴⁹ To KGSC's knowledge, there have been no of violence against women referred to higher authorities other than the regular court system, with the exception of cases prosecuted for international war crimes at the Hague Tribunal.

The International Criminal Tribunal for Yugoslavia (ICTY) is responsible for trying all war crimes in Kosovo including forms of violence perpetrated against women by military and paramilitary forces. According to CPWC only one person has been charged with sexual violence and systematic rape and sent to The Hague for trial to date.⁵⁰ According to CPWC a large number of women are prepared to testify as witnesses to rapes committed against them at the Hague Tribunal. CPWC acts as a mediator between rape victims and the ICTY. KGSC was not able to gather the details of the cases.

11.2 Published court decisions, case studies, and analyses of case law

Since 2003 the Center for Protection of Women and Children has monitored court cases dealing with domestic violence. They printed one example in the CPWC 2004 Annual Report:

"In this hearing at the Central Court in Prishtina there was a case of 15-year old girl, a student. It has been said that on the day of the crime, in the afternoon hours the perpetrator took the young girl and sent her to different coffee shops, and in the evening she was taken to a motel and raped three times. The victim declared that she was taken against her will and that the perpetrator (36 years old) used force and threatened her.

⁴⁹ Personal interview with Luljeta Domaniku, Lawyer for Gender Equality at the Ombudsperson's Office. Interview made on February 1, 2006.

⁵⁰ Center for Protection of Women and Children (2004) *Annual Report 2003*, No. 4 (Prishtina: CPWC).

However, the trial somehow was transformed into a farce by the bench, judge, and the defending lawyer as the questions posed to the victim included “Describe the positions when you had sex in the first time, second, and the third time.” There were questions such as “Did you experience an orgasm?” or “Were you a virgin?” When the victim answered that she “was not a virgin as she used to have sexual intercourse with her boyfriend,” she was then asked “When did you have sexual intercourse with your ‘boyfriend?’”

All this has been conducted in a very ironic way during the whole trial process. The court officials have pointed out that rape was something that the victims fictionalized and they were constantly questioning the testimony of the victim. (...) In this case, the dignity of the person is questioned, and the victim is badly offended.”⁵¹

There are no guiding decisions for the judiciary on the treatment of cases of violence against women.

In 2003 and 2004 CPWC monitored a few case studies on court processes. These case studies can be found in the CPWC Annual Reports for 2003 and 2004. In the analysis CPWC expresses its concern for the way these cases are treated. The center infers that there are cases of violence during which judges are prejudiced.

12. RECOMMENDATIONS TO THE GOVERNMENT

- Create a national action plan for combating violence against women;
- Initiate the drafting of a special law in Kosovo on violence against women;
- Establish a special governmental institution or department which would deal with violence against women; this institution or department or special body would deal with monitoring, evaluation, and coordination of measures taken to combat violence against women;
- Earmark specific budget lines for government coordinated actions to combat violence against women;
- Specify budget line items within the institutional budgets of the National Police Headquarters, the Prosecutors’ Office, the Court System, the National Social, Family and Child Protection Services and the Health Care System for tasks to fight violence against women;

⁵¹ Center for Protection of Women and Children (2004) *Annual Report 2003*, No. 4 (Prishtina: CPWC).

- Earmark financial support for NGOs dealing with violence against women in the Kosovo Consolidated Budget;
- Create a financial system to provide victims of violence with compensation for damages suffered;
- Take into consideration violence against women and women's security during the preparation of the plans for national, regional, and urban planning;
- Adopt special laws for protecting professionals working in shelters or in places where services are offered to cases of violence against women;
- Draft medium or long-term action plans for professions in the field of violence against women;
- Create possibilities for the establishment of new shelter houses;
- Establish programs for the treatment of offenders;
- Offer training programs in different professions regarding violence against women;
- Initiate educational programs that deal exclusively with gender studies; and
- Adopt laws or other rules to regulate the portrayal of violence against women, as well as guidelines, codes of conduct or special directives for Kosovar media on violence against women.

ANNEXES

Annex A. List of laws and regulations screened

Law No. 2004/2 of February 19, 2004 on Gender Equality (the Gender Equality Law)

Law No. 2004/3 of February 19, 2004 against Discrimination (the Anti-Discrimination Law)

Law No. 2004/32 of January 20, 2006 on the Family (the Family Law of Kosovo)

UNMIK Regulation No. 2000/38 of June 30, 2000 on the Establishment of the Ombudsperson Institution in Kosovo

UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo

UNMIK Regulation No. 2001/4 of January 12, 2001 on the Prohibition of Trafficking in Persons in Kosovo

UNMIK Regulation No. 2003/12 of May 9, 2003 on Protection against Domestic Violence

UNMIK Regulation No. 2003/25 of July 6, 2003 on the Provisional Criminal Code of Kosovo

Government Regulation No. 2 of 2005 on Establishing an Interim Administration of the Office for Gender Equality

Annex B. List of documents, books, and experts consulted

Government of Kosovo (2004) *National Action Plan for the Achievement of Gender Equality*.

Center for Protection of Women and Children (2004) *Annual Report 2003*, No. 4. Prishtina: CPWC.

Center for Protection of Women and Children (2005) *Annual Report 2004*, No. 5. Prishtina: CPWC.

Farnsworth, Nicole, Ilire Rizvanolli, and Lauren Bean (2004) *Kosovar Civil Society Report to the United Nations On Violence against Women in Kosovo*. Prishtina: Kosovar Gender Studies Center.

Interview with Abit Asllani, Director of the Directorate for Legislation in the Office for Good Governance in the Prime Minister's Office. Interview made on January 28, 2006.

Interview with Arta Kelmendi, Kosovar leader of Victim's Advocacy and Assistance Unit.
Interview made on February 3, 2006.

Interview with Lt. Besim Berisha, official in the domestic violence sector of the Directorate for serious crimes. Interview made on January 1, 2006.

Interview with Lulevere Kadriu, Coordinator of the Office for Human Rights in the Ministry of Education, Science, and Technology. Interview made on January 31, 2006.

Interview with Luljeta Domaniku, Lawyer for Gender Equality at the Ombudsperson's Office.
Interview made on February 1, 2006.

Interview with Sergeant Tahire Haxholli, Information Officer in the Division for Domestic Violence, Directorate for Serious Crimes. Interview made on January 10, 2006.

Interview with Valbona Salihu, jurist from Norma Women Lawyers' Association. Interview made on February 2, 2006.

Interview with Visare Gorani, Chief of the Office for Gender Equality as part of the Prime Minister's Cabinet. Interview made on January 30, 2006.