

Theme: Fighting and pursuing gender-based violence

“What do we fight for?”

Key words: definition of gender-based violence; forms of gender-based violence; prevention and root causes for GBV; protection and prosecution of the crimes; implementation of laws and policies; EU conditionality for human security and rule of law.

Focus Areas

Gender-based violence, what do we mean by GBV? (Provide explanation).

Prevalent forms of GBV in Kosovo include but are not limited to violence against civilians during the conflict, sexual violence, gendercide, domestic violence, human trafficking for purpose of sexual exploitation, sexual harassment, and violence related to human security, more broadly.

GBV is a human security and rule of law issue as women and girls are positioned differently in the society with different needs and interests. In particular, their cultural, social and economic position impedes the level of enjoyment of rights and access to justice. GBV is also a public health issue as violence against pregnant women is often used by domestic violence perpetrators affecting the level of engagement of women in the public sphere and employment by decreasing economic gains for the state (give example).

Fact: Women continue to be relegated to the private sphere and remain potentially at risk from violence at homes and economically dependent from men. There are 18% of women employed against 53% of men in the active economic population of Kosovo.(Kosovo Statistical Office and World Bank data, 2013).

Short situation analysis:

- Kosovo has come a long way in addressing needs of victims of gender based violence by adopting laws, policies and mechanisms. However it lags behind on implementation due to various reasons.
- Amongst few reasons enlisted affecting implementation are: lack of cultural understanding on the need to address the violence against women and girls including by the political elite; political willingness is often reflected by enacting many of laws and policies as a checklist however not providing sufficient human and budgetary resources; overall lack of rule of law in Kosovo i.e. backlog of cases in courts and corruption as well as limited or selective implementation of laws by institutions and courts in particular.
- Kosovo continues to face major challenges in relation to implementation of laws and specifically Rule of Law issues perpetuated further by corruption, weak delivery of court rulings and enforcement of contracts (the backlog of cases at courts is estimated at over 235,000).

Challenges:

Facts (focus on DV):

General remarque: All of the institutions with legal mandate to assist victims of GBV do not offer gender desegregated data by crimes committed, services offered and number of GBV victims assisted as this category is not specifically enlisted under Kosovo laws. Even though there are few data available they are rather ad hoc and there is no system collection developed. In general there are inadequate data collection systems that must be rectified immediately. Gender Equality officers in municipal and ministerial levels have limited access to such data and influence within their ministries/municipalities. Monitoring of violence and data collection could improve analysis and budgeting needs for Kosovo institutions.

- Data analysis by the KWN in 2012 on State Costs to Domestic Violence has shown that during 2011 only **0.13%** of Kosovo's expenditures in 2011 went towards state-funded services. In sum, domestic violence-related services cost €1.76 per capita and €1.11 per person in taxes annually.
- Kosovo government services related to addressing domestic violence cost at least €3,060,116, out of which the ratio for the government support for 60% whilst donors almost 40%;
- The government and donors allocated significantly more resources to protection (€2,088,581) than prevention (€526,264) or rehabilitation and reintegration (€399,585);
- Number of women and men suffering DV (2008 KWN interviews): 46.4 % women and 39.6% men. In total 43% of more than 1000 interviewees have suffered DV.
- Number of and percent of DV victims reported to polices are 1089 cases out of which 80% women and 20% men.
- Victims of trafficking identified in 2013 are 52.
- Other forms of GBV remain under-reported such as: rape of women, girls and men during the war 1998-1999; rape of women and girls in general; violence against the LGBT persons, etc.

Kosovo government commitments:

- European Partnership Action Plan has limited mention in 2012 on protection and implementation of women's rights by dividing only 100.000 Euro annually for implementation of women's rights on fulfilling its obligations.
- Kosovo Programme on Gender Equality has ended in 2013. A new draft should be developed by also taking into account the lessons learned from the implementation of the past plan. Regular reporting to the Kosovo Assembly by the government should be a priority for the next Programme. This has never occurred by the former Programme although foreseen by Kosovo Law on gender equality.
- Recently the UN SC Resolution 1325 on Women, Peace and Security Action Plan has been adopted by the Kosovo government. Only half of budget needs for the implementation of the AP has been committed by the government.

Addressing GBV in the EU documents:

- The Visa Liberalisation Roadmap for Kosovo requires from Kosovo institutions to enact and implement legislation to prevent, investigate, and prosecute trafficking in human beings; “enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings”; and build relevant authorities’ capacities for preventing, detecting and investigating trafficking.
- Women’s rights and gender equality is mentioned in one particular section of Progress Report for Kosovo 2013, by also requiring the institutions to draft the new Gender Equality Programme. The issue of gender equality is side-streamed rather than mainstreamed in the relevant EU documents.
- Other forms of gender based violence are mentioned sporadically. By increasing pressure on Kosovo institutions in implementing laws thought the Progress Report sections or by including a separate chapter on gender equality in Kosovo should be conditioned upon Kosovo institutions.

Way forward:

Many venues exist in addressing GBV in Kosovo. Kosovo should focus on immediate and mid-term results.

Prevention:

- No long-term reintegration services are available to women and children who suffered violence largely due to inadequate finances and infrastructure. A reintegration program should be developed by all stakeholders, including relocation, subsidized housing, assistance in finding employment, and ongoing counselling services. The role of municipal authorities should also be utilised in accordance to their legal mandate on social welfare.
- As the Anti-Trafficking Strategy will expire, efforts have begun to draft a new Strategy for 2014-2018. A key obstacle to implementing the existing Strategy has been the insufficient budget allocated within its action plan. In particular rehabilitation and reintegration have been sorely under-funded.

Protection:

- Under the lead of the Kosovo Statistical Office the following bodies should develop a system of reporting on GBV crimes and characteristics. The reporting system would include regular data collection and procession by the Kosovo Judicial Council, Kosovo Prosecutorial Council assisted by Victim Advocacy Department, Ministry of Justice, Department of Social Welfare of MLSW, Centre’s for Social Welfare, Regional Employment Centre’s, etc in order to analyse and address appropriately the responses towards the GBV victims.
- Institutional services for treating perpetrators of violence, particularly men, must be established.
- Compensation fund for victims of GBV should be set out and implemented. This would enhance the right to access justice and effective remedies as stipulated by

the EU Court of HR and guaranteed applicability under Kosovo constitution. The compensation for the crimes suffered for victims of rape, trafficking for purpose of sexual exploitation and domestic violence would enhance the economic independence of these victims and empower them fully to integrate into the society. Kosovo victims are awaiting for 15 years now from Kosovo institutions to offer compensation from crimes suffered.

Prosecution:

- Prioritise the investigation of GBV crimes including appropriate sentencing of the perpetrators of trafficking in human beings and Domestic Violence. In particular, recidivist cases can not continue to be fined only but recidivism should be appropriately sentenced as foreseen by law. In 2010 KWN study has found that 80% of cases of victims of DV have suffered violence in the past by the same partner with justice not served even though foreseen by laws.
- Track records on sentencing of trafficking or domestic violence cases should be conducted as foreseen by law and execution of court sentences should be monitored regularly.

Coordination:

- The government must allocate sufficient financial support to implement its many laws, policies and strategies.
- In this regard, also the EU integration process should be seen as an opportunity to condition Kosovo institutions to protect fully the enjoyment of the right to property, employment projects that would target women and other rights as basic rights guaranteed by Kosovo laws. This would lead to overall economic boost by enhancing the capacity of women to develop own businesses once owning property and strengthen their social and economic role and position within the family.
- In order to kick-off internal reforms the EU requirements should be indicator-oriented and measurable by requesting reports on the number of cases reported, investigated, sentenced and compensated in accordance with the applicable law.
- Monitoring of NGOs should also be supported on observing the level of implementation in relation to security and rule of law issues for GBV victims. Regular impact analyses in accordance with the *EU Acquis* should be developed in close cooperation with government and NGO's.

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