

The Security and Gender Group raises concerns on the current amendments to the Criminal Code: Appropriate definition of Domestic Violence as a criminal offense is required

16 March 2018

Having been informed on the plans to amend the Criminal Code of Kosovo, members of the Security and Gender Group (SGG), as of October 2017, were engaged in preparing and submitting comments and recommendations for amendments to the Criminal Code. We express our concern that the recommendations submitted to the Working Group created by the Government of Kosovo have not been incorporated, and we also consider that this Working Group lacks the gender expertise.

The proposal submitted by SGG requested that domestic violence is introduced as a separate criminal offense in the Criminal Code, and proposed the level of punishments for perpetrators of this criminal offense. Experts appointed by the Ministry of Justice accepted the proposal to introduce domestic violence as a criminal offense; however, our full proposal requesting a definition of all acts of domestic violence and adequate punishments for perpetrators of this criminal offense was not accepted. SGG emphasizes that the current group engaged by the Ministry of Justice should make a brief and simple definition which is in accordance with the requirements of the Istanbul Convention on preventing and combating violence against women and domestic violence.

Therefore, we request that all acts of domestic violence are defined in compliance with the requirements of human rights standards, including an adequate punishment for perpetrators of such offenses.

The latest Kosovo Women's Network research report indicates that, according to the data of 2000-2017, received by the Kosovo Judicial Council, Kosovo Prosecutorial Council, and Kosovo Police, there were 18,444 cases of domestic violence reported in Kosovo. Of these, only 11.1% of perpetrators were sentenced with imprisonment, while the majority of perpetrators were issued a suspended sentence and a fine. The Strategy and Action Plan against Domestic Violence, approved by the Government of Kosovo (2016-2020), in its Strategic Objective 3, requests an increase in sentencing of perpetrators of domestic violence and calls for amendments of relevant legislation.

Therefore, the SGG, on March 13, 2018, sent the proposal again, requesting the **drafting of a separate Chapter on Domestic Violence, accurately defining all acts of domestic violence, and that all Articles of the current Criminal Code are codified in a single Chapter. If definitions of acts of violence are missing, the requirements of the Istanbul Convention should be included.**

In addition, the SGG proposal requests that sentences for domestic violence cases include effective punishments, without allowing the possibility of fines, namely only cumulative and non-alternative sentences. This proposal from the Security and Gender Group was sent to the Ministry of Justice. Current criminal offenses in the Criminal Code and their maximum sentences should also not be reduced.

Note to the press

The Security and Gender Group (SGG) is a multi-stakeholder group, chaired by UN Women. The following institutions are members of SGG and support this public statement:

UN Women, UNMIK, OSCE, International Organization for Migration (IOM), Kosovo Women's Network, Kvinna till Kvinna Kosovo, Kosovo Gender Studies Centre, Kosova Women 4 Women,

Other organizations that are not members of SGG, and support this statement are: Kosovo Democratic Institute (KDI), KIPRED.