



# The Kosova Women's Network

Serving, Protecting and Promoting the Rights of Women and Girls

# At What Cost?

Budgeting for the  
Implementation of the Legal  
Framework against Domestic  
Violence in Kosovo

2012





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Prepared for the Kosova Women's Network by Nicole Farnsworth, Ariana Qosaj-Mustafa, Milva Ekonomi, Ada Shima and Dua Dauti-Kadriu

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Kingdom of the Netherlands



*Empowered lives.  
Resilient nations.*

*For Diana Kastrati and her family,  
who a year after her brutal murder  
have yet to see justice*



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# Acronyms

AGE	Agency for Gender Equality
AI	Administrative Instruction
AIJ	Association of Independent Journalists
CCRK	Criminal Code of the Republic of Kosovo
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLARD	Centre for Legal Aid and Regional Development
CoE	Council of Europe
CPWC	Centre for Protection of Women and Children
CRC	UN Convention on the Rights of the Child
CSW	Centre for Social Work
CSWC	Centre for Sheltering Women and Children
DLE	Department for Labour and Employment
DHSW	Directorate of Health and Social Work
DSW	Department for Social Welfare
DV	Domestic Violence
DVIU	Domestic Violence Investigation Unit
EC	European Commission
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
GBV	Gender-based Violence
GDP	Gross Domestic Product
GEO	Gender Equality Officer
GRB	Gender Responsive Budgeting
HHC	Hope and Homes for Children
ICITAP	International Criminal Investigative Training Assistance Program (U.S.)
IMF	International Monetary Fund
KAP	Kosovo Anti-Trafficking Program
KIPA	Kosovo Institute for Public Administration
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
KtK	Kvinna till Kvinna
KWN	Kosova Women's Network
LAC	Legal Aid Commission
LAO	Legal Aid Office
LPADV	Law on Protection against Domestic Violence
MCYS	Ministry of Culture, Youth and Sports
MEST	Ministry of Education, Science and Technology
MFMC	Main Family Medicine Centre
MIA	Ministry of Internal Affairs
MLGA	Ministry of Local Government Administration
MLSW	Ministry of Labour and Social Welfare
MoF	Ministry of Finance
MoH	Ministry of Health
MoJ	Ministry of Justice

MoU	Memorandum of Understanding
MP	Member of Parliament
MPA	Ministry for Public Administration
MTEF	Medium-Term Expenditure Framework
NDI	National Democratic Institute
NGO	Non-governmental Organization
OPDAT	Office of Overseas Prosecutorial Development Assistance and Training (U.S.)
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
PADVAP	Kosovo Program against Domestic Violence and Action Plan 2011-2014
PILPG	Public International Law and Policy Group
PO	Protection Order
PTK	Post Telecom of Kosovo
PVPT	Protecting Victims, Preventing Trafficking
REC	Regional Employment Centre
RTK	Radio Television of Kosovo
SOK	Statistical Office of Kosovo
UNDP	United Nations Development Programme
UNKT	United Nations Kosovo Team
UNMIK	United Nations Interim Administration Mission in Kosovo
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VA	Victim Advocate
VAAD	Victims Advocacy and Assistance Division
VAAO	Victims Advocacy and Assistance Office
WSSI	UNDP Women's Safety and Security Initiative
WWC	Women's Wellness Centre

# Executive Summary

This report uses a macro-level approach to examine the costs of preventing domestic violence, protecting victims, prosecuting perpetrators and supporting their rehabilitation and reintegration, as per the applicable laws and policies in Kosovo. Funded by UNDP, the Kosova Women's Network (KWN) consulted with 184 stakeholders to arrive at the following estimates. Poor data collection practices and vague budget lines limited the precision of some estimates.

In 2011, services related to addressing domestic violence cost at least €3,060,116, including more than €1,923,124 from the state and more than €1,136,992 from donors (37.2%). Only 0.13% of Kosovo's expenditures in 2011 went towards these state-funded services. In sum, domestic violence-related services cost €1.76 per capita and €1.11 per person in taxes annually. ***The government and donors allocated significantly more resources to protection (€2,088,581) than prevention (€526,264) or rehabilitation and reintegration (€399,585).*** These approximations likely involve gross underestimates of the *actual* government funds expended addressing domestic violence.

Further, the *actual cost* of domestic violence-related services in accordance with the legal and policy framework is substantially more. ***In numerous areas institutions have not allocated any budget or the budget allocated is insufficient.*** This was due in part to many institutions' insufficient knowledge of responsibilities related to addressing domestic violence, poor performance indicators and ***insufficient coordination between budget, program and gender equality officers.*** Further, extensive secondary legislation and Standard Operating Procedures (SOPs) still must be adopted, requiring budget considerations.

Amid shortcomings, ***a few best practices*** deserve mention. The Ministry of Education, Science and Technology budgeted for psychologists to counsel students; police clearly earmarked funding for specialized units and adopted SOPs for policing; the Ministry of Labour and Social Welfare, Ministry of Justice and some municipalities provided partial funding for shelters; and a few specialized judges prioritized domestic violence cases.

Now relevant institutions have a ***responsibility*** to assess the costs required to introduce missing services or improve upon prior shortcomings. The government's programmatic pillars of 1) prevention and 2) protection, security and prosecution can be implemented partially using relevant institutions' existing budgets. However, rehabilitation and reintegration remain under-financed because few such services existed when the Medium Term Expenditure Framework for 2012-2014 (MTEF) was drafted. Rehabilitation and reintegration requires resources beyond the MTEF, but no funds can be allocated until 2014. Moreover, despite commitments in the MTEF to the rule of law, human capital development and social welfare, the government's focus is on capital investment (comprising more than 60% of expenditures). Thus, limited funding is available for social services. This impacts the entire population, though domestic violence victims (among the most vulnerable) are arguably among the most negatively affected.

KWN proposes strategies for institutions to overcome financial challenges to implementing their the legal responsibilities related to domestic violence: 1) scrutinize existing budget lines, identifying ways to ***more efficiently use state resources***; 2) secure donor funding; 3) find innovative ways to ***boost revenues***; or 4) ***invest in prevention*** towards decreasing overall expenditures related to domestic violence. These coupled with recommendations in the following chapters seek to inform the Kosovo government's budget planning for 2013 and the next MTEF.

# Introduction

The Council of Europe recognizes domestic violence as the leading cause of death and disability among women ages 16 to 44 in Europe.<sup>1</sup> In Kosovo, domestic violence is among the most prevalent forms of gender-based violence.<sup>2</sup> Institutions, organizations and a recently revised legal framework exist towards preventing domestic violence; protecting victims; prosecuting perpetrators; and rehabilitating victims, perpetrators and their children.<sup>3</sup> Various institutions provide relevant services: specialized police units, victim advocates who safeguard victims' rights, legal aid officers, courts, centres for social work and shelters, among others. The recent adoption of the Law on Protection against Domestic Violence in Kosovo (LPADV) and the Kosovo Program against Domestic Violence and Action Plan 2011-2014 (PADVAP) are important steps forward. Now monitoring is needed to ensure the legal framework is implemented effectively and efficiently.

Implementation requires resources and thus an accurate assessment of the costs affiliated with domestic violence. This research seeks to provide a comprehensive understanding of the **costs for the state to implement the LPADV, PADVAP and broader relevant legal framework**. Domestic violence has additional costs (see Graph 1). One could assess the overall social and economic **impact** of domestic violence for individuals, families and companies (the light purple half circle). However, this research focuses on costs to the state as per its commitments and obligations (the dark purple circle). This includes examining non-state resources that enable the state to fulfil its responsibilities (e.g., funding from donors). By providing stakeholders with better information about the costs associated with domestic violence and Kosovo's budget process, the study seeks to support the government of Kosovo in implementing the existing legal framework.

This chapter frames the research within UNDP's broader mandate to further gender equality and women's empowerment; defines domestic violence; examines the extent and perceptions of domestic violence in Kosovo; defines gender responsive budgeting and its importance; summarizes the research methodology; and outlines the rest of the report.

## UNDP's Commitment to Gender Equality and Women's Empowerment

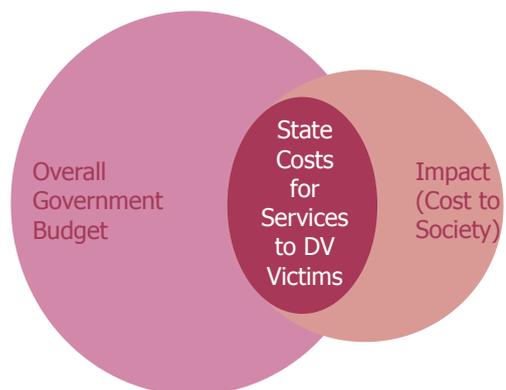
Financed by UNDP, this research falls within UNDP's broader commitments towards furthering gender equality in Kosovo. UNDP Kosovo has been accelerating the integration of gender dimensions in all sectors and strengthening its performance in delivering for women and men. All actions are framed within the UNDP Gender Equality Strategy and the UNDP 8 Point Agenda on Crisis Prevention and Recovery for Women Empowerment and Gender Equality, based on UN Security Council Resolution 1325 on Women, Peace and Security.

<sup>1</sup> Council of Europe, Parliamentary Assembly, "Domestic Violence against Women," Recommendation 1582, 2002.

<sup>2</sup> See KWN, *Security Begins at Home: Research to Inform the First National Strategy and Action Plan against Domestic Violence in Kosovo*, Prishtinë/Priština: Agency for Gender Equality (AGE) in the Prime Minister's Office of Kosovo, 2008, p. 2.

<sup>3</sup> KWN does not endorse the term "victim"; it can reinforce the notion of victimhood and obscure the capacities and potential opportunities for persons who have suffered violence to have power over their lives and futures. This report uses this term because it is employed in Kosovo's current legal framework and by most institutions.

**Graph 1. Measuring Costs versus Impact**



Advancing gender security and justice remains the principal priority. Emphasis is also placed on protecting women's social, economic, political and cultural lives in a context of sustainable livelihoods. Targeted programs promote the accountability of government and institutions to implement gender sensitive laws and ensure that resource mobilization, aid coordination, budgeting and funds allocation are gender responsive. Finally, UNDP Kosovo aims to increase women's roles in decision making.

Through the Women's Safety and Security Initiative (WSSI), funded by the Foreign Ministry of the government of the Netherlands, UNDP Kosovo has been supporting Kosovo institutions with the aim of enhancing preventive and responsive services, particularly in relation to domestic violence and trafficking in human beings. UNDP WSSI works across the justice, security, social welfare, health and education sectors to address the needs of women and men, girls and boys.

This study was commissioned by UNDP Kosovo with the aim of better understanding the costs of domestic violence in Kosovo. Tracking the extent to which laws and commitments regarding domestic violence are backed by budget allocations represents a crucial step towards enhancing women's safety and security in Kosovo.

### How Is Domestic Violence Defined in Kosovo and Who Does It Affect?

Domestic violence is defined as "one or more intentional acts or omissions when committed by a person against another person in a domestic relationship not limited to use of physical force or psychological pressure, causing the person to fear for his/her economic wellbeing and causing material damage." A number of criminal offences committed in a family relationship may be considered domestic violence.<sup>4</sup> The Criminal Code of the Republic of Kosovo (CCRK) provides for *ex officio* (automatic) prosecution in alleged crimes of light bodily injury, severe bodily injury, slavery-like conditions, forced labour, rape and sexual assault when conducted in a domestic relationship.<sup>5</sup> Light bodily injury, violating a protection order, non-consensual sexual acts, sexual exploitation, kidnapping and damaging the property of another person are considered criminal offences. The new LPADV provides a broader definition of domestic violence than the CCRK. Yet, it is applicable only in civil proceedings as a civil remedy.

Although domestic violence affects men, evidence suggests that it tends to impact women disproportionately. Gender roles and inequalities often

*"We still are a patriarchal society. We still don't believe in women and children. That's why we repress them."*  
- Official, Directorate of Economy and Finance

contribute to domestic violence.<sup>6</sup> "Gender" refers to the social roles assigned to women and men in a given place and time. These are not biological, but socially constructed. As a civil servant in one municipality told KWN, "Violence is not so present in our region because our women are very obedient." This suggests that women "must be" obedient or violence will be used. Gender norms may also mean that men must "be strong" and may not talk about violence they experience at home. If domestic violence is considered in the context of socialized gender roles, preventing domestic violence requires shifting gender norms and roles ascribed to women and men. This can be achieved by increasing awareness that domestic violence is not "normal", but a crime and a social behaviour that can be changed.

<sup>4</sup> The Criminal Code of the Republic of Kosovo (CCRK) does not define domestic violence acts *per se*. However if committed in a domestic relationship (defined in Art. 107, para. 24), these acts may be considered for criminal prosecution. The crimes addressed are under chapters on criminal offences against life and body; liberties and rights of persons; sexual integrity; marriage and family; property; and international law (see art. 137, 153, 154, 160-162, 193, 195-197, 210-213, 252, 253, 257, 258, 260, 261).

<sup>5</sup> For more information about the legal framework, see Chapter 1.

<sup>6</sup> On the causes of domestic violence, see KWN, *Security Begins at Home*.

The last representative Kosovo-wide household survey on domestic violence, *Security Begins at Home*, investigated the prevalence of physical, psychological and sexual violence. The 2008 UNDP-funded and KWN-led survey included a random sample of 1,256 citizens of all ethnicities. According to respondents' self-reporting, 43% experienced some form of domestic violence in their lifetimes (46.4% of women and 39.6% of men).<sup>7</sup> Eighteen per cent (11% of women) suffered physical violence and 3.5% of women suffered sexual violence. Psychological violence affected 30% of respondents (almost twice as many women than men). Nearly 13.7% of women respondents experienced economic violence: the use of finances to wield power over another person.<sup>8</sup> Domestic violence is considered a private issue and is often underreported,<sup>9</sup> so it may be more prevalent than respondents indicated. Although individuals of diverse genders, ages, ethnicities, economic statuses and geographic regions experienced domestic violence, the demographic groups most exposed to domestic violence were women, rural citizens, Kosovo Albanians, less educated,<sup>10</sup> unemployed, poor and/or receiving social assistance.<sup>11</sup> Residents of Fushë Kosovë/Kosovo Polje and Podujevë/Podujevo were more likely to have suffered domestic violence than persons living elsewhere.

*"Domestic violence has nothing to do with a certain culture. It affects all. We can find domestic violence in the [Kosovo] Albanian community, Serbian community and other communities."*

- Prosecutor

The survey also examined perceptions of domestic violence.<sup>12</sup> Many respondents agreed with statements like, "violence is a normal part of any relationship, and society in general accepts that violence happens sometimes" (40%) and "sexual intercourse can never be violence if it happens between two adults who are married" (60%).<sup>13</sup> Respondents tended to believe violence was "normal" or acceptable if the husband was unemployed (62.4%) or had recently used alcohol (43%).

The United Nations (UN) developed survey-based indicators in 2009 to measure the scale of domestic violence against women at the country level.<sup>14</sup> The indicators seek to raise awareness about domestic violence, inform public policy, including: coordination bodies, budgets, action plans, legislation, protocols, law enforcement, services, education, training, media involvement, research, data collection and case law.<sup>15</sup> They allow for national and international comparisons. As Table 1 illustrates, the total age-specific rates of women subjected to physical, sexual, psychological or economic violence in the last year are unavailable in Kosovo because the last representative survey was in 2008.<sup>16</sup>

<sup>7</sup> KWN, *Security Begins at Home*. This included domestic violence suffered as children and as adults.

<sup>8</sup> This may include "not allowing a person to work for economic benefit; refusing to work and contribute to the family budget; not helping to support the family financially; or refusing to share money with a partner for household purchases" (for more information see KWN, *Security Begins at Home*, p. 35).

<sup>9</sup> About 40% of respondents who suffered domestic violence did not tell anyone about it; 15% said if violence happened to them, they would never report it (KWN, *Security Begins at Home*).

<sup>10</sup> Twenty per cent of victims surveyed did not finish primary school, 17.2% finished primary school, 34.4% attended secondary school and 6.6% went to university.

<sup>11</sup> KWN found a correlation between these demographic groups and persons having suffered domestic violence.

<sup>12</sup> For further information please see KWN, *Security Begins at Home*.

<sup>13</sup> KWN, *Security Begins at Home*, pp. 16-17.

<sup>14</sup> See United Nations Economic and Social Council, *Report of the Friends of the Chair on the Review of Indicators on Violence against Women, 2009*; and *Report of the Fortieth Session of the United Nations Statistical Commission, 2009*. Data should be gathered using a national survey (para. 23-27), which has not been done in Kosovo with regard to all of these indicators.

<sup>15</sup> See United Nations, *UN Indicators to Measure Violence Against Women*, Geneva: 2007.

<sup>16</sup> The survey did not collect information related to religion, sexual orientation and disability. However, *Security Begins at Home* provided qualitative information on violence against the elderly, children, homosexuals and persons with limited abilities.

**Table 1. UN Indicators in Kosovo**

Indicator (NA = Not Available)	
1. Rate of women subjected to physical violence in the last 12 months	NA
2. Rate of women subjected to physical violence during lifetime	11.0%
3. Rate of women subjected to sexual violence in the last 12 months	NA
4. Rate of women subjected to sexual violence during lifetime	3.5%
5. Rate of women subjected to sexual/physical violence by current/former intimate partner in the last 12 months	NA
6. Rate and frequency of women subjected to sexual or physical violence by current/former intimate partner during lifetime	NA
7. Rate of women subjected to psychological violence in the past 12 months by intimate partner	NA
8. Rate of women subjected to economic violence in the past 12 months by intimate partner	NA
9. Total rate of women subjected to female genital mutilation	NA

### What Is Gender Budgeting and Why Is It Important for Kosovo?

Budgeting is a political process in which different interest groups compete for limited resources. State budgets reflect the political, social and economic priorities of the state at a particular time. The budget also illuminates the government's real commitment to its legal obligations. The Kosovo government has committed in its Budget Circular to support four main priorities: sustainable economic development, good governance through strengthening the rule of law, human capital development and increased social welfare for all citizens.<sup>17</sup> All of these commitments relate to minimizing domestic violence and furthering gender equality, and all institutions must consider these priorities when preparing budgets.

Gender-responsive budgeting (GRB) can be defined as an "application of gender mainstreaming in the budgetary process."<sup>18</sup> It aims to inform budgetary processes by integrating the needs and interests of women, men, girls and boys. GRB is a tool that examines how the budget affects women and men differently as per their gender roles. It compares this to government commitments to women's rights and gender equality towards promoting greater governmental accountability and informing governments' social and economic policies.<sup>19</sup> GRB addresses budget processes, political processes, administrative processes, technical tools, human/other resources, interdepartmental structures, governmental strategies or plans, monitoring and revision processes.<sup>20</sup> To do this, GRB examines government revenues and expenditures for specific programs and projects, as well as the entire budget cycle and its components.

Despite misconceptions, **GRB is not only about women and gender equality officers** (GEOs), though they should play an important role in the budgeting process. Rather, GRB encourages all agencies, ministries and municipalities to consider necessary budgetary allocations for fulfilling their commitments to gender equality per Kosovo's existing legal framework. GRB requires budget management tools in budgeting and execution to support the government's gender mainstreaming policies. This includes designing and implementing policies in different sectors and measuring outcomes. In Kosovo this can be ensured from the national level since GEOs should perform their duties in cooperation with officials overseeing the budgetary process.<sup>21</sup> Subsequently, the Agency for

<sup>17</sup> Republic of Kosovo, Ministry of Finance, *Budget Circular 2012/01*. A budget circular is a document that the Ministry of Finance provides to guide municipal and national budget organizations in preparing annual budgets.

<sup>18</sup> Council of Europe, *Gender Budgeting, Final Report of the Group of Specialists on Gender Budgeting (EG-S-GB)*, Strasbourg: Directorate General of Human Rights, 2005. See also UNIFEM, *Gender-Responsive Budgeting in South Eastern Europe: UNIFEM Experiences*, Skopje: UNIFEM, 2010.

<sup>19</sup> Elizabeth Villagómez, *Gender Responsive Budgeting: Practical Elements*, presentation, Prishtinë/Priština, 2011 and R. Sharp, and R. Broomhill, "Budgeting for Equality: The Australian Experience," *Feminist Economics*, 8 (1), Routledge, 2002, pp. 25-47.

<sup>20</sup> Villagómez, *Gender Responsive Budgeting: Practical Elements*.

<sup>21</sup> See the Republic of Kosovo, Ministry of Finance, *Budget Circular 2012/01* and the Law on Gender Equality in Kosovo, Law No. 2004/2, 2004.

Gender Equality (AGE) should produce periodic reports on the gender responsiveness of budgeting practices. GEOs within ministries and municipalities can assist with monitoring budgeting practices. This includes monitoring whether budgets adequately address programmatic and legal obligations related to addressing domestic violence. Their reports can inform policy makers and the public about the extent to which the government budget is gender responsive and hence, improve sensitivity to GRB in public projects.

GRB can be used in calculating costs of domestic violence in a given economy. There are at least two approaches to costing domestic violence. The first, known as "impact costing," seeks to determine the overall price of domestic violence for society. It requires in-depth interviews with a *representative* sample of domestic violence victims to assess services they have used and the impact violence may have had on society (e.g., in days missed at work, healthcare costs). Information from the budget is gathered to calculate the costs of these services although they are not recognized as formal services. Thus, both hidden costs and the costs of utilized services are calculated. The second approach, employed here, focuses on the costs to institutions and service providers for prevention, protection, rehabilitation and reintegration. These services can include a holistic approach that ensures the wellbeing of the victim and the rehabilitation of the perpetrator, as foreseen in Kosovo's legal framework.

This study takes a macro-level approach, rather than a micro-level unit costing or impact analysis approach, because Kosovo urgently needed an explanation of budgeting processes and an assessment of costs for implementing the new legal framework related to domestic violence. Examining revenues that support these public expenditures is also crucial. GRB can help determine if the budget is sufficient for implementing the recently adopted LPADV, PADVAP and broader legal framework related to domestic violence. GRB also can provide suggestions for more efficient use of existing resources.

### **About This Research: An Abbreviated Methodology**

This research, conducted between January and July 2012, had three research objectives: 1) identify responsible bodies and institutional mechanisms related to domestic violence in accordance with the existing legal outface, and identify any remaining institutional gaps; 2) assess the current mechanisms for budgeting within relevant institutions with responsibilities related to domestic violence; and 3) assess and estimate the real costs and budgetary implications of preventing violence, protecting victims and prosecuting perpetrators of domestic violence for each of the responsible institutions in accordance with the existing legal framework.<sup>22</sup> KWN also examined costs affiliated with the reintegration and rehabilitation of domestic violence victims and perpetrators, as per the PADVAP.

KWN began by reviewing the existing legal framework related to domestic violence and mapping the legal responsibilities of each institution. KWN also examined government budgets, the Medium Term Expenditure Framework (MTEF) and GRB exercises elsewhere in the world (e.g., South East Europe, Spain, South Africa, United States). KWN planned to compare the 2012 annual work plans and budgets of all legally responsible institutions, but only the Ministry of Education, Science and Technology (MEST) provided both documents.

KWN then visited each institution to understand its programs, budgeting procedures, revenues, expenditures, monitoring and practices. This involved interviewing programmatic and budgeting officials in all institutions responsible for implementing the legal framework, as well as donors, non-governmental organizations (NGOs) and other actors providing relevant financing. Overall, KWN interviewed 184 stakeholders, including central level state institutions, NGOs, donors and municipal officials. Among others, researchers asked two key questions: 1) how much, if at all, did the institution budget for fulfilling its legal

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<sup>22</sup> UNDP defined these research objectives.

responsibilities related to domestic violence; and 2) is it sufficient. All of the domestic violence-related costs identified appear in the main text, parentheses and footnotes.

The implementation of national level programs can only be observed at the municipal level. Examining municipal level practices also is important for understanding how on-going decentralization efforts impact service delivery. Therefore, KWN selected three diverse municipalities for case studies: Dragash/Dragaš, Mitrovicë/Mitrovica and Gjilan/Gnjilane. It was hypothesized that Dragash/Dragaš had the least financing for addressing domestic violence and the worst services for victims because of its geographic location, limited local institutions and lack of shelter. Mitrovicë/Mitrovica offers somewhat better services, but the political situation may limit access to many institutions and impact the municipal budget. KWN hypothesized that Gjilan/Gnjilane had the best services, inter-institutional coordination and among the largest municipal budgets allocated for addressing domestic violence. According to the logic of variation sampling, by studying municipalities diverse in their quality of services and financing, the research team could observe a spectrum of diverse responses to domestic violence in Kosovo. In addition to reviewing documents, KWN interviewed representatives of relevant municipal institutions.

Research team members analysed the data independently and then collaborated to draft preliminary research findings.<sup>23</sup> Then, KWN and UNDP organized working groups with relevant institutions in April and June 2012. Participant checks were also carried out. These served to validate findings, minimize error and gather input on the recommendations. However, considering the extensive amount of detail collected and the numerous stakeholders involved, mistakes may have been made and for these KWN apologizes.

### **Limitations: How Does One Assess Costs in Kosovo?**

Estimating the real and planned costs of domestic violence proved particularly challenging in Kosovo because systems are new or non-existent, data collection poor and budget lines vague; institutions divide their budgets in only five categories: 1) wages and salaries, 2) goods and services, 3) communal expenses, 4) subsidies and transfers and 5) capital investments. Budgets do not include line items for individual costs or activities. Therefore, exact institutional expenditures in these categories cannot be determined. If KWN had work plans for each institution with a budget line breakdown, then state expenditures related to domestic violence could be estimated. However, few institutions had clear programmatic information or were willing to share it. Institutions that did make this information available rarely had budget breakdowns for work plans related to domestic violence.

Bearing in mind this major limitation, KWN has made rough estimates of the costs of domestic violence, based on interviews and calculations explained in footnotes. More importantly, this report identifies gaps in services; whether sufficient resources have been allocated; and budget lines for which relevant institutions must cost and budget. Now, ***it is the responsibility of the relevant institution to assess the costs required to introduce missing services or improve upon shortcomings.***

### **What Is in This Report?**

This rest of this report is divided into eight chapters. The first presents the existing legal framework related to domestic violence, examines gaps in the legal framework and discusses challenges to a coordinated institutional response to domestic violence. Chapter 2 examines "Who decides where the money goes?": Kosovo's funding priorities, budget processes and how these impact revenues and expenditures related to domestic violence.

The three chapters that follow are divided into "pillars," based on the PADVAP: Prevention (Chapter 3); Protection, Security and Prosecution (Chapter 4); and Rehabilitation and Reintegration (Chapter 5). Table 2 summarizes which institutions have responsibilities

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<sup>23</sup> KWN sought to enhance validity through triangulation of researchers, data sources and methods.

under these pillars, as per the PADVAP's Strategic Objectives (SO) and the broader legal framework. The last row states the budget foreseen for implementing the PADVAP for each pillar. Additional costs exist for implementing broader legal responsibilities. These chapters discuss gaps in the legal framework, institutions' performance to date, coordination and the extent to which relevant institutions have budgeted sufficiently for fulfilling their responsibilities. Where possible, estimates of current budgetary allocations and expenditures related to domestic violence are made. All currencies have been converted to euros.<sup>24</sup> The Chapter 6 discusses the need for a referral system and Standard Operating Procedures (SOPs) toward more efficient and effective service delivery.

Findings related to the overall costs of domestic violence to the state are summarized in Chapter 7. The findings have two useful entry points in Kosovo's budget cycle. First, findings help assess the impact domestic violence has had on the budget, particularly in 2011. Second, findings can inform design and planning processes, especially the Kosovo budget for 2013 and the next MTEF. The final chapter provides recommendations for each institution. Annexes contain further information and tools that can facilitate budget planning.

**Table 2. PADVAP Pillars and Responsible Institutions**

Prevention	Protection and Security	Rehabilitation and Reintegration
SO 1: Until 2014, to establish efficient and comprehensive mechanisms for prevention of domestic violence	SO 2: To manage until 2013, having efficient protection mechanisms for victims of domestic violence	SO 3: To ensure efficient services for rehabilitation and integration of victims and perpetrators of domestic violence in Kosovo. SO 4: Rehabilitation and permanent reintegration of victims of domestic violence
MEST	Police	MEST, Directorates for Education in municipalities
Ministry of Youth, Culture and Sports	Kosovo Institute for Public Administration (KIPA)	Ministry of Economic Development
Office of the Public Prosecutor	Office of the Public Prosecutor	Ministry of Justice, VAs
Ministry of Justice	Kosovo Police Academy	Police
Media, NGOs, shelters, donors, Association of Journalists of Kosovo*	NGOs, shelters, donors, private operators*	NGOs, shelters, donors, Association of Journalists of Kosovo, private operators, Business Centres for Professional Information, SOS Village Family Empowerment Programme*
Ministry of Labour and Social Welfare (MLSW), Centres for Social Work (CSWs)	MLSW, CSWs	MLSW, CSWs
Municipalities	Municipalities	Municipalities
Legal Aid Commission	Legal Aid Commission	Regional Employment Centres (RECs)
Courts	Courts	Courts
AGE	AGE	AGE
Ministry of Health	Ministry of Justice	Ministry of Health
Ministry of Economic Development	Ministry of Finance	Mental Health Centres
Municipal Education Departments, schools	Ministry of Public Administration (MPA)	Ministry of Finance
Ministry of Public Administration	Victim Advocates (VAs)**	
Police	Correctional Services**	
University Faculty of Philosophy	Ombudsperson**	
<b>Budget by Pillar:</b>	<b>€342,160</b>	<b>€974,734</b>
		<b>€1,116,000</b>

\* These are not institutions, but they have responsibilities according to the PADVAP.

\*\* These are not mentioned in the PADVAP, but KWN suggests they have a role under the relevant pillar.

<sup>24</sup> KWN used the European inter-bank rate of \$1 equals €0.7183 in 2011 and €0.7748 in January 2012.

# Chapter 1. Kosovo's Legal Framework

This chapter describes the legal and policy framework towards addressing domestic violence in Kosovo, including the Law on Protection against Domestic Violence (LPADV) and the Program against Domestic Violence and Action Plan (PADVAP). It identifies contradictions and gaps in the legal framework in the context of international law and human rights standards. The chapter also discusses mechanisms for monitoring and evaluating the legal framework's implementation.

## International Conventions and Kosovo's "Invisible" Crime

Various international conventions are directly applicable under Kosovo's Constitution.<sup>1</sup> The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the UN Convention on the Rights of the Child (CRC) offer protection for domestic violence victims and specific guidelines for states.<sup>2</sup> In cases of contradiction, international conventions take priority over Kosovo's laws and legislation.<sup>3</sup> Under this normative framework, domestic violence constitutes a crime and gender-based discrimination.<sup>4</sup> Compared to international human rights standards, however, Kosovo's legal framework related to domestic violence remains weak.

The new Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CoE Convention) can serve as a guiding standard for Kosovo institutions, which aspire to European Union (EU) integration. It states: "domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit."<sup>5</sup> Kosovo's LPADV provides a similar definition, but only in a civil proceeding. Although the CCRK seeks *ex officio* (automatic) prosecution in cases of crimes committed in a domestic relationship,<sup>6</sup> it emphasizes physical abuse and

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<sup>1</sup> The Constitution of the Republic of Kosovo (2008, Art. 22) enlists human rights and fundamental freedoms guaranteed by international conventions including CEDAW, ECHR and CRC as directly applicable.

<sup>2</sup> CEDAW General Recommendation 19 establishes principles of state responsibility for acts of state agents and its citizens. Further, "[s]tates may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation." The CRC stresses that all violence against children is prohibited; it requires that states enact "all appropriate legislation ... to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child" (Art. 19).

<sup>3</sup> See the Constitution of the Republic of Kosovo, Art. 22.

<sup>4</sup> The European Court of Human Rights' decision in *Opuz vs. Turkey* (9 June 2009) found that domestic violence is gender-based discrimination, and the Turkish state failed to provide effective and efficient protection to women victims, violating its obligations under the Convention (Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 87 UNTS 103, ETS 5, adopted 4 November 1950 with entry into force on 3 September 1953). Also, see OSCE Mission in Kosovo, *Adjudication of Petitions for Protection Orders in Domestic Violence Cases in Kosovo*, Prishtinë/Priština: OSCE, 2012, p. 7.

<sup>5</sup> Council of Europe (CoE), *Convention on Preventing and Combating Violence against Women and Domestic Violence, Explanatory Report*, 2011, Art. 3, definitions paragraph (b).

<sup>6</sup> The CCRK (Code No. 04/L-082, 20 April 2012, Art. 120.23) defines a domestic relationship as a relationship between two persons who are engaged, married or co-habiting without marriage; share a primary household

excludes psychological or other domestic violence acts. The CoE Convention recommends that states also criminalize stalking and psychological violence.

The LPADV, applicable only as a civil remedy, states that prosecution of criminal offences related to domestic violence will occur *ex officio* only if protection orders are violated.<sup>7</sup> The CCRK names some criminal offences in a domestic relationship that are prosecutable *ex officio* only after a motion is filed (e.g., coercion, threat and unlawful deprivation of liberty).<sup>8</sup> However, if the injured party decides to withdraw the motion before the court ruling, then the proceeding is terminated. In Kosovo, these provisions are insufficient because victims, often under social and/or economic pressure, withdraw and crimes are not prosecuted. Domestic violence should be criminalized so that victims receive adequate legal remedies and protection, ensuring the right to life without abuse and reparations for suffering.<sup>9</sup>

Further, poor implementation provides weak remedies for victims.<sup>10</sup> A respondent commented, "The LPADV is a good law, but it is impossible to implement immediately because traditions are stronger than the Law."<sup>11</sup> The recent groundbreaking ruling of the European Court of Human Rights emphasized that domestic violence should not be treated as a private, "invisible" matter.<sup>12</sup> Rather, domestic violence is of public interest and demands state action. The Court noted, international standards are "intended to guarantee not theoretical or illusory, but practical and effective rights."<sup>13</sup> Further, a 2008 European Court judgment states that authorities have an obligation to "maintain and apply in practice an adequate legal framework affording protection against acts of violence by private individuals";<sup>14</sup> and the state should actively protect victims due to their vulnerability. As KWN has stated, laws and policies should be "more than words on paper."<sup>15</sup> Further, failure to implement laws, prosecute crimes and prevent crime has a price: state funded "band-aid" solutions and rehabilitation costs.

"The distance from legislation to implementation is huge."  
- Respondent

Moreover, the LPADV does not address cultural and patriarchal inequalities in accordance with the CoE Convention. Measures should be based on a gendered comprehension of violence against women, emphasizing the victim's human rights, safety and relationships between the victim, perpetrator(s), children and their social environment.<sup>16</sup> Measures need to empower victims by addressing their economic situation and the specific needs of vulnerable persons, including child victims. Education, healthcare and training should contribute to their empowerment.

Kosovo should fulfil its obligations under international and regional human rights standards listed in Kosovo's Constitution, including the ECHR and CEDAW, to effectively and

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and are related by blood, marriage or adoption, including parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews or cousins; or the parents of a common child.

<sup>7</sup> LPADV, Law No. 03/L-182, Art. 26.

<sup>8</sup> UNMIK Regulation 2003/26 on the Kosovo Provisional Criminal Procedure Code of Kosovo, 2003, Art. 6. See also art. 55 and 59.

<sup>9</sup> CoE, *Convention on Preventing and Combating Violence against Women and Domestic Violence, Explanatory Report*.

<sup>10</sup> KWN findings based on interviews and observations, 2012.

<sup>11</sup> KWN interview with GEO, 2 March 2012.

<sup>12</sup> The PADVAP (government decision Nr. 08/34, 25 August 2011, p. 8) also suggests that domestic violence should not be a private matter. See European Court of Human Rights, *Case of Opuz v. Turkey*. The decision acknowledged that laws in Turkey and elsewhere must be implemented. The Court observed that "the overall unresponsiveness of the judicial system and impunity enjoyed by the aggressors ... indicated that there was insufficient commitment to take appropriate action to address domestic violence."

<sup>13</sup> See European Court of Human Rights, *Case of Opuz v. Turkey*, para. 165.

<sup>14</sup> See European Court of Human Rights, *Case of Bevacqua and S. v. Bulgaria*, application no. 71127/01, Judgment, Strasbourg: 2008. See art. 2, 3 and 8, and para. 65.

<sup>15</sup> See KWN, *More than "Words on Paper"?*

<sup>16</sup> CoE, Convention, Art. 18, para. 3.

efficiently investigate, prosecute and compensate domestic violence victims. The CoE Convention, as a guiding standard for Kosovo institutions, offers a comprehensive legal framework in preventing domestic violence, protecting victims and ending impunity for perpetrators.<sup>17</sup> The necessary legislative or sub-legal acts should be enacted to protect victims from the occurrence or recurrence of violence. Mechanisms such as a referral system should be established for effective, coordinated cooperation between state agencies: the judiciary, prosecution, police, local and central authorities and NGOs.<sup>18</sup> Additionally, professionals should be trained on multi-agency cooperation to enable comprehensive case referrals and management.

### **Kosovo's Law on Protection against Domestic Violence**

In July 2010, the Assembly of Kosovo adopted the LPADV.<sup>19</sup> It defines domestic violence as intentional acts or omissions committed by one person against another in a domestic relationship not limited to physical force, psychological pressure, causing the person to fear for his/her economic wellbeing and causing material damage.<sup>20</sup> The law aims to prevent violence, protect victims, treat perpetrators and mitigate the consequences of domestic violence.<sup>21</sup>

The LPADV foresees three kinds of protection orders.<sup>22</sup> Persons who share a common household, are parents of a child, were or are married or engaged, live out of wedlock, are related by blood, are parties in a dispute or are in a family relationship (even when not living in a common household) can petition for a protection order. The protected party, his/her authorized representative, the victim advocate or social worker can also petition for a protection order.<sup>23</sup> Measures can include psychosocial treatment for perpetrators (including for alcohol and drug abuse), prohibiting perpetrators from approaching the victim at a particular distance, temporary child custody for the victim, removal of the perpetrator from a common residence, payments for the victim's rent or child support (alimony).<sup>24</sup>

The Organisation for Security and Co-operation in Europe Mission in Kosovo (OSCE) has critiqued the LPADV for its gender-neutral language.<sup>25</sup> In its aim, LPADV values equally victims' needs and perpetrators' treatment.<sup>26</sup> It does not acknowledge that the majority of victims in Kosovo are women and girls. Hence, it ignores the social, cultural and/or economic inequalities that most victims face, while supporting perpetrators. The LPADV should consider social norms contributing to domestic violence. For example, mandatory counselling for perpetrators should deal with gender roles and inequalities (not only alcohol and drug abuse as causes of domestic violence).

<sup>17</sup> CoE Convention, Chapter IV on "Protection and Support, General Obligations of States," Art. 18. The *Convention on Preventing and Combating Violence against Women and Domestic Violence*, CETS No. 210, opened for signature in 2011. Conditions for entry into force are 10 ratifications including eight by member states. As of 7 July 2012, the Convention had been signed by 19 countries and ratified by one (see <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=1&DF=&CL=ENG>).

<sup>18</sup> See also art. 20 and 22.

<sup>19</sup> The United Nations Interim Administration Mission in Kosovo (UNMIK) enacted in 2003 the Regulation on Protection against Domestic Violence (No. 2003/12). The LPADV was based on this Regulation.

<sup>20</sup> Under LPADV Art. 2, para. 1.2, intentional acts or omissions include: physical force or psychological pressure; inflicting or threatening to inflict physical pain or psychological suffering; causing the feeling of fear and threat of dignity; physical assault; insult, offence and other forms of violent intimidation; derogating the other person; non-consensual sexual acts and sexual ill-treatment; unlawfully limiting freedom of movement; property damage or threat against property; causing the other person to fear for his or her physical, emotional or economic wellbeing; forcibly entering or removing from a common residence; and kidnapping.

<sup>21</sup> LPADV, Art. 1, "Purpose of the Law".

<sup>22</sup> LPADV, Art. 22. For more information, please see Chapter 4.

<sup>23</sup> LPADV, Art. 13, para. 1, 2, 3 and 4.

<sup>24</sup> LPADV, Art. 4 - Art. 12.

<sup>25</sup> See OSCE Mission in Kosovo, *Adjudication of Petitions for Protection Orders in Domestic Violence Cases in Kosovo*, 2012, p. 23.

<sup>26</sup> LPADV, Art. 1, "Purpose of the Law".

The LPADV's implementation depends on the adoption of Administrative Instructions (AIs) within six months of its enactment.<sup>27</sup> As of July 2012 (two years after its adoption) only the Kosovo Police had adopted Standard Operating Procedures for carrying out their roles and responsibilities under the LPADV.<sup>28</sup> The Ministry of Labour and Social Welfare (MLSW) and Ministry of Health (MoH) had drafted the AI on Determining the Location and Ways of Psycho-social Treatment (XX/2012), which was under review.<sup>29</sup> Additionally, MoH had drafted the AI on Protection Measures of Obligatory Treatment from Alcohol Dependency and Abuse of Psychotropic Substances, towards reducing violence.<sup>30</sup> However, until these AIs are enacted, no such treatment is available in Kosovo, preventing judges from ordering it and implementing the LPADV.<sup>31</sup>

While the budget implications of every law must be assessed prior to its passage, KWN could not locate the budget assessment for the LPADV. In reference to the PADVAP, the LPADV states that MLSW "in cooperation with" MoH, the Ministry of Justice (MoJ), Ministry of Internal Affairs (MIA), Ministry of Culture, Youth and Sports (MCYS) and MEST is "responsible" to create mechanisms that "support and meet the needs of persons against whom domestic violence is exercised, including social assistance and medical services, in accordance with applicable law."<sup>32</sup> Thus, MLSW in coordination with other ministries arguably has a duty to ensure sufficient budget allocations are made to implement the LPADV.

According to the Law on Gender Equality, AGE also is responsible for conducting policy analyses, advising the government towards the achievement of gender equality, drafting amendments to laws and furthering measures for improved implementation of gender equality principles.<sup>33</sup> This includes allocating partial funding for relevant activities. AGE's role in influencing budget allocations is not explicitly defined in the Law on Gender Equality or LPADV. However, a holistic reading of AGE's duties and its lead in drafting the LPADV and PADVAP suggest AGE should take the initiative to influence the implementation of the LPADV and to ensure a sufficient budget is allocated.<sup>34</sup> Within its mandate AGE should "supervise" the implementation of policies towards gender equality like the LPADV, particularly since domestic violence is a violation of equal rights and involves gender discrimination.<sup>35</sup> This suggests that AGE should advise and support ministries in drafting AIs for the implementation of the LPADV, propose criteria to the government and ensure funding.<sup>36</sup>

### **Kosovo Program against Domestic Violence and Action Plan 2011-2014**

An AGE-led working group comprised of government institutions, NGOs and international stakeholders drafted the PADVAP. KWN reports, supported by UNDP WSSI, informed the process.<sup>37</sup> Enacted in November 2011, the PADVAP aims to ameliorate insufficient coordination among institutions dealing with domestic violence, gaps in the referral system

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<sup>27</sup> LPADV, Art. 28, para. 1.

<sup>28</sup> This was supported by the United States Department of Justice International Criminal Investigative Training Assistance Program (ICITAP). For more information, see Chapter 4.

<sup>29</sup> KWN interview with GEO, MoH, June 2012. MLSW and MoH are responsible (LPADV, Art. 4, para. 3).

<sup>30</sup> KWN correspondence with GEO, MoH, June 2012. UNDP WSSI supported the drafting of secondary legislation in 2011 (€4,669), with line ministries meeting to finalize it in May 2012 (€3,354).

<sup>31</sup> KWN correspondence with representative of UNDP WSSI; and interviews with AGE, MoH and MLSW, 2012.

<sup>32</sup> LPADV, Art. 27.

<sup>33</sup> Law on Gender Equality in Kosovo, Law No. 2004/2, 2004, Art. 5.2 (b).

<sup>34</sup> See Chapter 2 for a discussion on when AGE could influence budget decisions during the budget process. Drafting the PADVAP cost AGE approximately €13,319 in 2011.

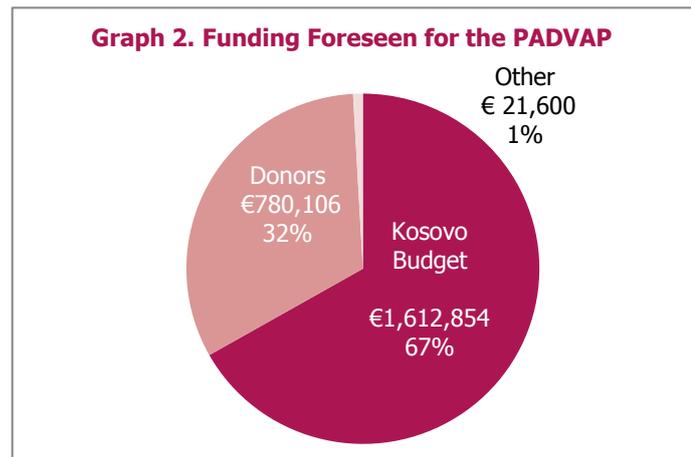
<sup>35</sup> Law on Gender Equality in Kosovo, Art. 5.2 (d).

<sup>36</sup> Law on Gender Equality in Kosovo, Art. 5.2 (j).

<sup>37</sup> See KWN, *Security Begins at Home*, 2008 (commissioned by AGE) and *More than "Words on Paper"? The Response of Justice Providers to Domestic Violence in Kosovo*, Prishtinë/Priština: UNDP, 2009.

and the lack of basic infrastructure for supporting domestic violence victims.<sup>38</sup> It has three objectives: 1) to establish efficient and comprehensive mechanisms to prevent domestic violence by 2013; 2) to have efficient protection mechanisms for victims by 2013; and 3) to ensure efficient services to rehabilitate and integrate victims and perpetrators throughout Kosovo.<sup>39</sup> Based on these objectives, the PADVAP can be roughly divided into three “pillars”: Prevention, Protection and Rehabilitation and Reintegration. Prosecution is not mentioned explicitly in the PADVAP, but KWN’s conversations with stakeholders suggest that it falls under Protection.

The PADVAP outlines activities to be implemented between 2011 and 2014. However, its adoption in November 2011 meant implementation did not begin until 2012. Its budget was not reviewed and revised to reflect the PADVAP’s delayed enactment or changes that may have occurred since its initial drafting. The PADVAP enlists a budgetary breakdown for most activities, foreseeing support from both the Kosovo budget and donors. By adopting the PADVAP, the government approved these expenditures. The total planned cost is €2,414,560. As Graph 2 illustrates, the Kosovo government committed €1,612,854 (66.8%), 32.3% was foreseen to be raised from donors and less than 1% from “other” sources (e.g., “private operators”). A



discrepancy of €525,734 exists between the committed activity budgets (€2,940,294) and the overall total (€2,414,560). This may simply be a mistake, but it should be rectified. The budget also should be reviewed.

The PADVAP foresees that numerous activities involve “no costs.” Some costs may be absorbed by institutions’ existing budgets (e.g., civil servants who assist with domestic violence cases as part of their broader responsibilities). However, many “no cost” activities involve additional costs. For example, TV programs for children about domestic violence have costs for directors, stations and programmers; education on reporting domestic violence has salary and material costs; and establishing cooperative agreements between institutions treating domestic violence has costs. The PADVAP ignores costs for training social workers on domestic violence, developing economic programs, offering free of charge medical examinations, providing healthcare and social services for victims of violence, mediation in employment for domestic violence victims and linking social services with family empowerment programs.

Further, many activities are not detailed enough for institutions to calculate costs. The specific role of each ministry and detailed descriptions of activities (e.g., how they will be implemented, by whom and with resources from which ministry) are crucial for budgeting accurately. Since the PADVAP states that multiple institutions are responsible for a single activity, it is unclear which institution is financially responsible. KWN research showed that only the MoH and the MEST included in their 2012 budgets the amounts stated in the PADVAP. The other 24 central level institutions, 61 municipal level institutions and 10 NGOs interviewed had not allocated any additional budget *specifically for implementing the*

<sup>38</sup> Kosovo Prime Minister Decision Nr. 03/62, 29 April 2009 and PADVAP, p. 13.

<sup>39</sup> All objectives seek efficiency, though the PADVAP’s insufficient measurement indicators may make this difficult to assess.

**PADVAP** in 2012.<sup>40</sup> This is troublesome because the PADVAP assigns responsibilities that require funding in addition to institutions' already approved budgets.

KWN interviews illustrated that key persons responsible for programmatic and budgetary planning had no knowledge of the PADVAP. Since the PADVAP was approved in November 2011, information may not have reached municipal institutions. Still, central level decision-makers would need this knowledge to ensure that the PADVAP is reflected adequately in their annual work plans and budgets for 2013. A recurring theme among interview respondents was that AGE was responsible for implementing the PADVAP. However, **every institution enlisted has a responsibility to implement its activities** between 2011 and 2014.

"We don't have anything to do with domestic violence."  
- Municipal Directorate of Education

The PADVAP foresees establishing a National Coordinator to coordinate and monitor all institutions' work, as well as donor funding.<sup>41</sup> With support from UNDP WSSI, AGE prepared relevant terms of references: the National Coordinator will lead the monitoring of the LPADV's implementation; the Coordinating Secretariat will support the National Coordinator administratively and logistically; and the Inter-ministerial Working Group will involve relevant ministries, including the Kosovo Judicial Council, Kosovo State Prosecutor and Kosovo Police. NGOs providing services to domestic violence victims also will participate in the working group.

AGE hesitated to appoint the Coordinator at the Agency level.<sup>42</sup> The Coordinator was pushed from one institution to another,<sup>43</sup> until it was finally appointed within MoJ in mid-2012. Governmental budgets for these positions and bodies have not been allocated. UNDP WSSI has set aside funds for a workshop to establish the Secretariat in 2012 and to provide expertise (a Project Associate) and technical support once it is established, through 2013.<sup>44</sup>

The Direct Assistance Group to assist trafficking victims, led by the National Coordinator against Trafficking in Human Beings under the Deputy Minister of Internal Affairs, can serve as a model. It also can offer lessons learnt: initially regular meetings facilitated coordinated responses to trafficking. However, at times when donor support was irregular and when the Coordinator of the Secretariat left, coordination declined.<sup>45</sup> The institution that houses the Secretariat and Coordinator on domestic violence must allocate sufficient resources to ensure coordination after donor funding decreases.

MoJ representatives have the political will to host the Coordinator. However, the PADVAP goes beyond justice to provide a more holistic approach to preventing violence, protecting victims and rehabilitating victims and perpetrators. Institutional expertise in prevention, protection and rehabilitation are crucial for the PADVAP's effective implementation, and these are areas in which MoJ has a limited legal responsibility compared to other institutions.<sup>46</sup> Further, MoJ recently signed an MoU with the Office of the State Prosecutor, transferring some of its obligations to assist domestic violence victims through Victim Advocates to the Office of the State Prosecutor. Within a holistic approach to addressing domestic violence, justice should be the last resort, required only *after* institutions have failed to prevent a crime from occurring. With MoJ in the lead, other institutions should engage actively in ensuring the implementation of the prevention and rehabilitation aspects of the PADVAP where MoJ has fewer competencies.

In KWN's view the Coordinator and Secretariat should have been placed at AGE, as a high level agency in the Prime Minister's Office. Due to its *executive competencies*, AGE is

<sup>40</sup> This conclusion relates to the PADVAP, not the LPADV. Police and victim advocates (VAs) had accounted for operational costs.

<sup>41</sup> PADVAP, p. 26.

<sup>42</sup> KWN/UNDP working group, "At What Cost?", Prishtinë/Priština, June 2012.

<sup>43</sup> KWN interviews, 2012.

<sup>44</sup> UNDP WSSI has budgeted €5,811 and €12,164, respectively.

<sup>45</sup> KWN interviews with officials, 2012. UNDP does not share this view.

<sup>46</sup> UNDP does not share this view.

well-placed to influence the various line ministries to fulfil their duties and to monitor the implementation of LPADV and PADVAP. Such responsibilities complement its existing mandate for monitoring gender equality in Kosovo.

AGE is obliged to report “regularly” to the government on the PADVAP’s implementation.<sup>47</sup> A set of indicators, reporting processes and data analysis standards for monitoring the PADVAP must be developed. In 2012, AGE appeared to have other priorities that took precedence over the PADVAP.<sup>48</sup> Numerous costs affiliated with PADVAP-specific activities, coordination, monitoring and evaluation for which AGE has legal responsibilities seem unaccounted for in its budget.<sup>49</sup> Limited human and financial resources prevented AGE from fulfilling its monitoring responsibilities. However, some stakeholders’ concern that AGE lacks the capacity to take on such responsibilities should be addressed by building its institutional capacity and ensuring that it is adequately financed.

### **Monitoring and Evaluating Implementation of the Legal Framework**

All institutions should monitor their own implementation of government programs. Under the Law on Gender Equality in Kosovo, the Assembly of Kosovo is responsible for monitoring the government’s implementation of gender equality policies and laws.<sup>50</sup> The Assembly Committee on Human Rights, Gender Equality, Missing Persons and Petitions is a permanent committee. Its mandate involves reviewing issues of gender equality, reviewing the status of women and issuing recommendations to advance the status of women and women’s rights. The Committee should also examine the physical, emotional and psychological abuse of women; and further women’s participation in decision-making.<sup>51</sup>

In 2011, the Committee conducted an in-depth review of the implementation of the LPADV.<sup>52</sup> The review was part of the regular monitoring mandate of the Assembly.<sup>53</sup> The Committee found that the government lags behind in implementing LPADV, including the allocation of sufficient budgetary support for realizing activities. They found that ministries have delayed drafting and enacting the AIs foreseen by the LPADV. Delays in court issued protection orders remain an on-going issue resulting in dysfunctional justice for victims.<sup>54</sup>

The Assembly has another committee that monitors the implementation of policies for the efficient development of health, labour and social welfare. It is required to draft a strategy on employment, social protection and the delivery of social services to citizens. Despite numerous attempts, KWN was unable to secure an interview with this committee and hence, unable to learn more about its relevant activities and budget.

The Public Accounts Committee is responsible for overseeing the legality of spending public money based on reports, periodic statements, audits and annual reports by the Office of the Auditor General. This includes the legality of spending related to domestic violence.<sup>55</sup> A KWN interview with a member of the Committee suggested that it has been more interested in the budget as a whole, especially revenues, than monitoring if governmental strategies, like that against domestic violence, are addressed sufficiently in the budget.

<sup>47</sup> PADVAP, Chapter V, Art. 5.2. The PADVAP does not specify how often AGE should report.

<sup>48</sup> KWN interviews, 2012.

<sup>49</sup> AGE has 18 staff (Law on Budget of Republic of Kosovo for Year 2012, No. 04/L-079, 2011). Its total budget is €185,777 in 2012, including €92,770 for salaries, €60,000 for goods and services and €30,000 for transfers and subsidies. This was the same in 2011. AGE appears under-funded compared to some other agencies. For example, its budget is 17% of the Office for Communities’ budget (€1,084,237 with seven staff). While their mandates differ, gender equity arguably affects more citizens than ethnicity or community status.

<sup>50</sup> Law on Gender Equality in Kosovo, Art. 4.

<sup>51</sup> See Rules of Procedure of the Assembly of the Republic of Kosovo, 2005, Annex 2.

<sup>52</sup> KWN interview with representative of the Committee on Human Rights, Gender Equality, Missing Persons and Petitions, March 2012.

<sup>53</sup> Ibid. It cost approximately €2,000.

<sup>54</sup> Committee on Human Rights, Gender Equality, Missing Persons and Petitions, *Report on the Implementation of the Law on Protection Against Domestic Violence*, Prishtinë/Priština: 2012.

<sup>55</sup> Assembly of the Republic of Kosovo, Public Accounts Committee, *Rules of Procedure*, April 2010.

In the legislative term after the 2010 general elections, the Women's Caucus of Members of Parliament (MPs) organized debates on women's human rights and gender equality, protected by the Constitution.<sup>56</sup> However, as an informal group, the Caucus does not have a legal mandate, and its work is not governed by the Assembly Rules of Procedure. Further, the Caucus is not a registered organization, so it cannot possess or manage its own funds. This limits the Caucus' budget and role in the Assembly. Since the Caucus is relatively new they have yet to undertake strategic advocacy to influence the Kosovo budget. The Women's Caucus has drafted a strategy for its activities related to gender equality. It includes monitoring and reviewing legislation from a gender perspective. Training on engendering legislation has been lacking and has come solely from donors. Although the Caucus gains political support from the Assembly Presidency, it lacks a sufficient budget for fulfilling its role; it does not receive any government funds and relies solely on voluntarism from its members and donor support for its initiatives.<sup>57</sup> The lack of budgetary support from the Assembly impedes effective and efficient activities.

To date, donors and NGOs have played an important role in monitoring the implementation of the legal framework related to domestic violence. For example, KWN funded by UNDP WSSI conducted monitoring for this report.<sup>58</sup> In 2012, UNDP assessed service provision in Gjilan/Gnjilane, Dragash/Dragaš and Gjakovë/Đakovica.<sup>59</sup> These studies can inform the PADVAP's foreseen mapping exercise. Although donors and NGOs can produce "shadow" monitoring reports, Kosovo institutions are officially responsible for monitoring and must budget accordingly. In doing this, the government can learn from prior monitoring exercises.

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<sup>56</sup> Constitution of the Republic of Kosovo, Art. 7. The Women's Caucus was formed in 2005 as an informal group of women MPs from different political parties in the Assembly. Since the 2010 legislature, the group has functioned as the Women's Caucus of the Assembly of the Republic of Kosovo. It involves 40 women MPs, led by a board. Its main objective is respecting women's human rights and ensuring the equal participation of women in society and in democratic state-building processes (*Women's Caucus Newsletter*, Nr. 1, January 2012).

<sup>57</sup> Donors have included UNDP, the National Democratic Institute (NDI) and the OSCE Mission in Kosovo.

<sup>58</sup> This report cost more than €37,000.

<sup>59</sup> UNDP received €4,650 from the Finnish government through the UN Kosovo Team (UNKT) Gender-based Violence (GBV) Program and €13,000 from the UNDP Global Gender Project, totalling €18,000. Once the Secretariat is established in 2012, UNDP WSSI plans to support a civil society monitoring network (€34,866), a joint information management system and an annual monitoring report (€7,326).

# Chapter 2. Who Decides Where the Money Goes? Kosovo's Budgeting Process

For some, budgeting may seem daunting, and programmatic staff may think (albeit incorrectly) that budgeting is only a responsibility of budget officers. However, studying budget allocations can reveal what a country prioritizes. Without adequate financial support national programs and action plans cannot be implemented. Understanding Kosovo's budgeting process is crucial for understanding who makes decisions about where the money goes, the political motivation for these decisions, how to influence changes in the budget and how state resources can be spent more efficiently and effectively.

This chapter examines issues that can impact the gender responsiveness of current budgeting mechanisms within institutions that have responsibilities related to domestic violence: Kosovo's medium to long-term budget goals; the extent to which budgeting processes are participatory; and decentralization.

## **Priorities: The Medium Term Expenditure Framework**

Since 2007, the Medium Term Expenditure Framework (MTEF) has served as the main planning document for governmental economic policy.<sup>1</sup> The MTEF is drafted in accordance with the Kosovo government's vision of national development, which involves: sustainable economic growth; good governance and the rule of law; developing human capital; and improving social welfare. The MTEF for the years 2012 to 2014 could not include the PADVAP, which was only adopted in 2011. Nor does Kosovo's 2012 budget have a specific code for a sub-program on "Protection against Domestic Violence."

The MTEF 2012-2014 provides forecasts of the main budget components: revenues and expenditures. Increased revenue can provide resources for state services related to domestic violence. The MTEF suggests that budget revenues for 2013-2015 will grow. Taxes, International Monetary Fund (IMF) loans and municipalities' own-source revenues are among the sources of predicted revenue.

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<sup>1</sup> Republic of Kosovo, Ministry of Finance, *Medium Term Expenditure Framework 2012-2014* (MTEF). The Central Budget Unit of the Budget Department is responsible for "developing a proposed Kosovo Consolidated Budget, preparing the Medium Term Expenditure Framework, implementing the Kosovo Consolidated Budget, assessing requests for changes to appropriations, and discharging all other responsibilities, assigned to the Budget Department by law" (Law on Public Financial Management and Accountability, Law No. 03/L-048, 2008, Art. 5).

In Kosovo, economists predict that gross domestic product (GDP) per capita will grow by 7% in the next three years.<sup>2</sup> Such an increase is significant considering Kosovo's small economy, but in absolute value predicted growth would not exceed €163 in GDP per capita in three years. Thus, it will be difficult to increase funds for improving social services in Kosovo.

Another source of income is foreign aid, and the PADVAP mentions donors explicitly. They are foreseen to contribute €780,106 or 32% of the overall revenue for the PADVAP between 2011 and 2014. In 2011, donor grants represented 1.5% of the Kosovo government's budget. However, donors tend not to provide direct bilateral aid.<sup>3</sup> The total recorded amount of donor-supported programs outside the Kosovo budget was €8,968,000 in 2011. This contribution declined by 58.4%, compared to 2010 (€15,342,000), suggesting a decrease in foreign aid to Kosovo.<sup>4</sup> Aid was not earmarked for activities addressing domestic violence.

KWN's research showed that donors contributed **at the very minimum €1,136,992**, comprising roughly 37.2% of all identified expenditures related to addressing domestic violence in 2011. Donors spent much more, but some were unable to calculate or provide exact figures, particularly related to staff and operations.<sup>5</sup> Donors cover many costs that *should be* funded by the government. "This is a very twisted situation where the donors are actually paying for service provision," a donor told KWN. "Lots of efforts have been made to get the government to direct more funding to all service providers." The government can use information about donor funding to budget for future domestic violence-related costs.

While the 26 donors interviewed by KWN tended not to have "a specific budget line" for domestic violence, some sought to contribute to implementing the legal framework on protection against domestic violence.<sup>6</sup> For example, the Embassy of Finland supported the €800,000 UN Kosovo Team's (UNKT) Gender-Based Violence (GBV) Program (2012-2013), which aimed to support the implementation of the PADVAP and LPADV, focusing on three pilot municipalities: Dragash/Dragaš, Gjakovë/Đakovica and Gjilan/Gnjilane.<sup>7</sup> Graph 3 includes the identified donors and international organizations that supported activities related directly or indirectly to addressing domestic violence in Kosovo in 2011.<sup>8</sup> The known funding provided by each donor appears in the box below the donor's name. Arrows point to the sectors or types of activities they funded. As the Graph illustrates, without contractual agreements with the government, embassies often depended on international organizations for coordination and implementation of development projects.

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<sup>2</sup> Gross domestic product (GDP) per capita measures economic growth of a country over time, and it is an indicator of citizens' standard of living. As such, it is crucial for developing economic policies and development plans. Nevertheless, GDP per capita does not necessarily measure the population's *quality of life*, such as social inclusion, equal participation in society or life without violence.

<sup>3</sup> KWN interviews with donors, 2012.

<sup>4</sup> Republic of Kosovo, Ministry of Finance (MoF), *Annual Financial Report for 2011, 2012*.

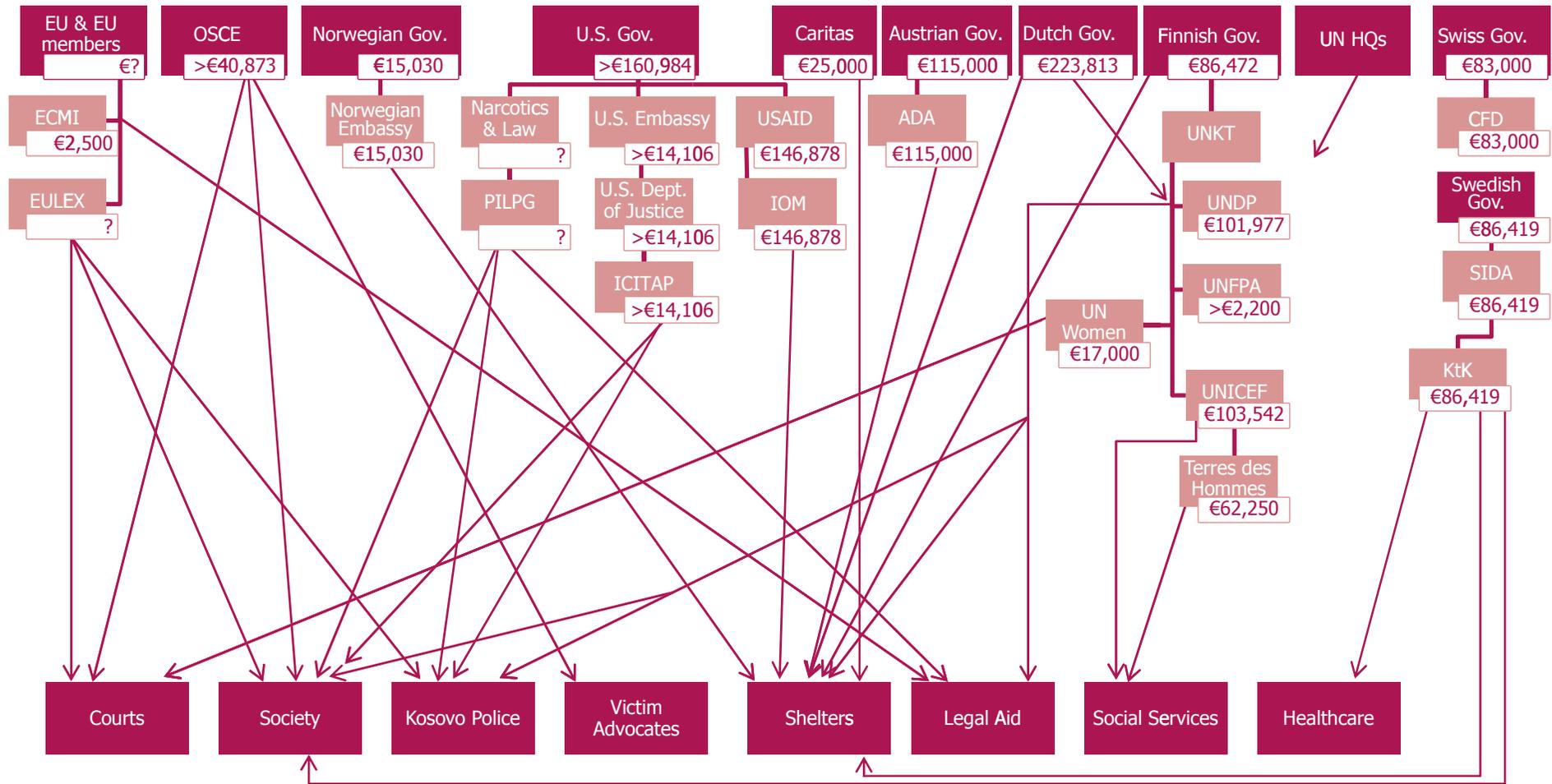
<sup>5</sup> KWN interviews with donors, 2012.

<sup>6</sup> KWN interviews, 2012. Gender equality and women's rights tended to be "cross-cutting themes" among the donors interviewed.

<sup>7</sup> KWN interview with representative from the Embassy of Finland, 15 March 2012. He said the program also sought to contribute to the implementation of UN Security Council Resolution 1325 on Women, Peace and Security. The Program is among the first UNKT joint programs.

<sup>8</sup> While the OSCE and European Union Rule of Law Mission in Kosovo (EULEX) are not "donors" per se, their work arguably contributes to implementing the existing legal framework. For EULEX, this is either directly through their limited policing and judicial competencies, or through monitoring, mentoring and advising Kosovo institutions. Most EULEX activities should be assumed by the government of Kosovo and its relevant institutions in the future, which will require funding.

**Graph 3. Donors and International Organizations Supporting Efforts to Address Domestic Violence in Kosovo in 2011**



Evaluating the effectiveness and efficiency of donor funding in Kosovo was not the focus of this research. However, some respondents complained about inefficiency in donor spending. "There have been so many *ad hoc* trainings," a respondent said. Also, "we have so many manuals and then other agencies come and develop new manuals five years later." KWN identified multiple areas where donors' funding overlapped, including research, awareness-raising and training. Donors emphasized their intention to coordinate programs and budgeting with other donors to decrease overlap.<sup>1</sup> Yet, donors seemed to face several obstacles to coordination, including differing project cycle timeframes, varying partnership procedures and limited human resources. Upon discovering that their activities overlapped with those of other donors, some hesitated to undergo the often bureaucratic procedures of changing already approved plans and budgets. An important role of the National Coordinator on Domestic Violence can be fostering improved coordination among donors.

Considering donors' sizeable contribution, analysing their planned future support is important for identifying the additional resources the government needs to fund presently donor-supported activities and services. Donors hesitated to provide estimates for funding beyond 2012. Some did not know future budget commitments while others provided grants annually, based on requests submitted by individual NGOs. A recurring response was that future funding depended on Kosovo's political situation. "Everything is so political, you really cannot foresee," a respondent said. Foreign governments seem to be scaling back or discontinuing aid in the region. "They are moving towards Africa, Asia and conflict and post-conflict countries," another donor said. Respondents thought EC funding potentially would increase and become the main source of future funding.

In sum, the MTEF forecasts that Kosovo will have sufficient revenues to carry out its present programs and activities. However, the PADVAP is not in the current MTEF. Since Kosovo will not have a new MTEF until 2014, unique solutions are needed to ensure sufficient revenues for implementing the PADVAP and addressing insufficient funding for institutions to enact their legal mandates related to domestic violence. Donor aid may be decreasing in coming years. Thus, municipal revenues, taxes, improving Kosovo's trade balance,<sup>2</sup> more efficient spending, confiscated property and fees for perpetrators may generate revenue for addressing domestic violence.

The second major budget component, expenditures, has five categories: wages and salaries; goods and services; utilities; subventions; and capital. From 2012 to 2014, capital expenditures will remain important, comprising 61% to 69% of all spending.<sup>3</sup> Since the private sector contributes modestly to generating capital, the government believes capital investments can contribute to economic growth. Thus, the government has planned to allocate the most funding from 2012-2015 to infrastructure, followed by health and social welfare (see Graph 4). Infrastructure investment has exceeded revenues in the last two years, increasing the budget deficit.<sup>4</sup>

Between 2013 and 2015, expenditures on wages and salaries are expected to grow by 3.3% on average. The highest growth is expected in 2013, when Kosovo must implement secondary legislation in public administration. Despite objections from the IMF and EC, the

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<sup>1</sup> KWN interviews, 2012. An official commented that insufficient budget is not the issue in Kosovo; rather, coordinating institutions' budgets is a problem (KWN/UNDP working group, June 2012).

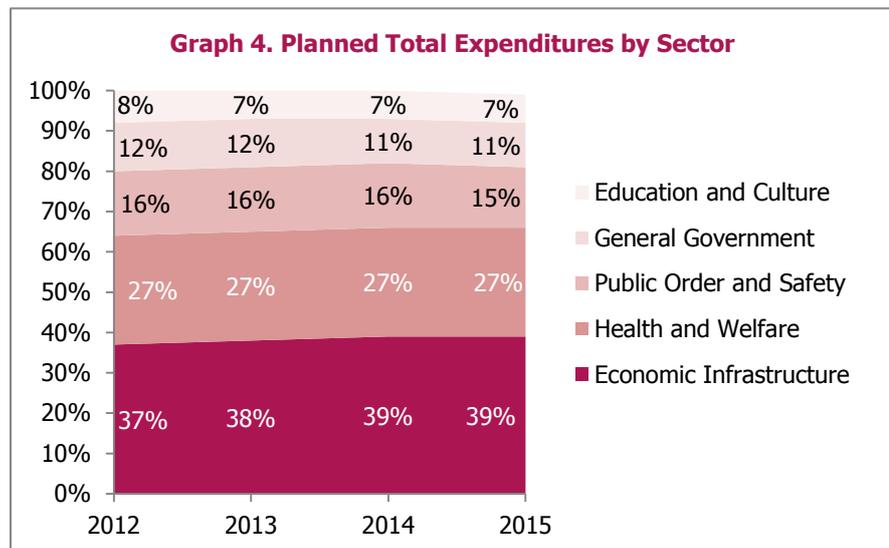
<sup>2</sup> Kosovo is highly dependent on imports, which comprise around 50% of GDP; meanwhile meagre exports cover a mere 20% of imports (EC, *Kosovo 2011 Progress Report*, p. 24). This is primarily because Kosovo's production is small and uncompetitive compared to the rest of the region. Kosovo can improve its trade balance through real exchange rate depreciation, achieved only through lower relative prices with trading partners. Improving the trade balance can increase revenues, providing funding e.g., for social services related to domestic violence.

<sup>3</sup> MTEF 2012-2014.

<sup>4</sup> *Annual Financial Report for 2011*. A deficit is government spending in excess of the revenues it receives over a given period of time. A deficit contributes to the accumulation of debt (e.g., to other countries or banks) over time. A budget surplus, or extra revenues, can reduce the debt. In 2011 the government paid €11,491,000 in debts, mainly to cover expenditures on capital investments.

government increased employees' wages by 30% to 50% in March 2011.<sup>5</sup> Then, in 2012 the government froze hiring of government employees. This obstructs the implementation of the PADVAP and broader legal framework related to domestic violence; numerous institutions lack sufficient staff, which they cannot hire until 2013.<sup>6</sup>

Expenditures on goods and services are expected to increase by 2% (on average) annually between 2013 and 2015. Less than 20% of the budget is planned to be allocated for subsidies and social transfers (mostly for Kosovo's Social Assistance Program). The government plans an average increase of 3% annually in the



subsidies and transfers category, reflecting an expected increase in social scheme beneficiaries and pensioners, particularly following the indexation of social benefits in 2014.<sup>7</sup> This will not necessarily mean an increase in the standard of living of persons receiving benefits, and it is impossible to predict whether the budget dedicated to domestic violence victims will increase.

With Kosovo's limited resources, the budget is about political choices. Respondents confirmed what the numbers show:<sup>8</sup> in Kosovo there is limited political commitment to funding social services in general. **Budget officers tended to agree that activities related to addressing domestic violence were not priority expenditures in the Kosovo budget.**<sup>9</sup> The choice to spend more than 60% of the Kosovo Budget on capital expenditures implies that less funding will be available for social programming and services, including for implementing the legal framework related to domestic violence. By failing to allocate sufficient resources, the government is failing to fulfil its commitments to the PADVAP and LPADV. Further, it arguably is not delivering on all priorities outlined in the MTEF, such as human capital and social welfare.

*"If the health sector needs more, then education must be sacrificed. We need to sacrifice one for the other because the budget is small."*  
– Representative, Directorate of Finance

### Towards a Participatory Budgeting Process: Kosovo's Budget Cycle

The state's budget belongs to the people and must be overseen by them. Citizens have the right to access and monitor government work plans and budgets, as well as to participate in the budget process.<sup>10</sup> Budgetary procedures regulate decisions on state and public expenditures.<sup>11</sup> Heeding MTEF priorities, the Kosovo Budget itinerary begins each year in March when the Kosovo government and its Ministry of Finance (MoF) send the MTEF to all

<sup>5</sup> EC, *Kosovo 2011 Progress Report*.

<sup>6</sup> See chapters 4 and 5.

<sup>7</sup> MTEF, pp. 27-28.

<sup>8</sup> Ministry of Finance, *Kosovo Consolidated Budget for 2011*.

<sup>9</sup> KWN focus group with budget officers, Prishtinë/Priština, 5 April 2012.

<sup>10</sup> Assembly of the Republic of Kosovo, Law on Access to Public Documents, No. 03/L-215, 2010, Art. 1.

<sup>11</sup> Kosovo has a Single Account Treasury system, controlled by the Treasury Department.

institutions. Institutions have until May to convey to the MoF their perspectives on the MTEF for that year. In mid-May MoF uses their suggestions to draft the first budget for the coming year. The MoF sends the draft budget to budgeting organizations in all national and municipal level institutions. The budget includes donor contributions. However, the Budget Circular for 2012 did not contain information on donor contributions to the PADVAP.

Budgeting organizations then develop individual budgets according to the five aforementioned expenditure categories. Planning should not infringe on provisions made by the MoF on GDP and inflation. Budget organizations should cost and budget for implementing their legal responsibilities, including the legal

**Table 3. Calendar of Budgetary Decisions in Kosovo**

Month	Action
March	MoF sends MTEF to institutions
May	Institutions convey perspectives to MoF
Mid-May	MoF drafts budget and sends to budget orgs
June	Budget orgs draft budgets
August-September	Municipal and national budget orgs hold budgetary hearings with citizens and interest groups
October	Following negotiations, budget finalized
October	Parliament debates and votes on budget
January	Budget implementation begins

Influence here!

framework related to domestic violence. Since the PADVAP was adopted in November 2011, when the regular budget process was complete, institutions could not easily reflect the PADVAP in their 2012 budgets. Even so, that many budget officers still did not know in 2012 that the PADVAP existed was worrisome; how could they budget for its implementation in 2013?

An informed budget officer (who plans in close coordination with both the programmatic and gender equality officer) can prepare an accurate and adequate budget proposal. While no explicit legal mandate ensures GEOs' participation in the budget process, budget officers should liaise with them to ensure that the budget as a government policy contributes to gender equality.

In June, budget organizations deliver their first draft budget to the MoF. They then collect input on local priorities through participatory consultations with citizens and interest groups.<sup>12</sup> Here GEOs and women's NGOs can encourage women and men to provide input on the budget; they can also evaluate if institutions have allocated adequate finances for addressing domestic violence. However, historically women's NGOs and GEOs have participated minimally if at all in the budgeting process.<sup>13</sup>

The draft budget is discussed in budgetary hearings between the end of August and the beginning of September when institutions must state their requirements for the given year. Statements do not last more than 15 minutes, during which they must provide performance indicators for programs and projects. Budgetary requests must be justified based on the MTEF. This may be difficult to achieve in only 15 minutes.

Kosovo's legal framework does not state explicitly when AGE should intervene in the budget process. However, budget hearings might be an ideal time for AGE to influence relevant ministries' budgets from a gender perspective and to ensure ministries fulfil their legal responsibilities to address gender discrimination, including domestic violence. AGE

*"The problem is that in budgetary hearings there are no people who work for gender issues, but only people who work with the budget."*  
- MoF representative

should prepare written recommendations in advance, which may require additional internal expertise and financial resources. AGE should also negotiate with MoF to ensure that AGE is mentioned explicitly in the Budget Circular. Similarly, during budgetary hearings parliamentarians including members of the Women's Caucus also can influence budgetary choices.

After budgetary hearings, the government prepares and submits the overall draft budget to the Assembly of the Republic of Kosovo for debate. Members of the Women's

<sup>12</sup> Ministry of Local Government Administration, Administrative Instruction on Municipality Transparency, Nr. 2006/03.

<sup>13</sup> KWN interviews, 2012. For information about their participation at the municipal level, see the next section.

Caucus and other parliamentarians have the opportunity affect budget allocations to reflect legal obligations addressing domestic violence. The draft budget should appear on the working agenda of the Assembly in October and must be approved before the fiscal year begins in January.

Some budget officers hesitated to share work plans and budgets. The budgets provided included the total budget planned and spent across expenditure categories. Budgets did not include detailed line items for individual activities. Thus, it was difficult to identify how much each institution spent related to their domestic violence responsibilities. "This is like searching for a needle in a haystack," a budget officer told KWN.<sup>14</sup>

The fact that Kosovo only has five budget categories contributes to the gap between programmatic financial planning and expenditures. The financial inputs required for particular activities are rarely clear.<sup>15</sup> ***Until Kosovo costs by activity rather than five broad categories, it will be very difficult to monitor the implementation of budgets tied to strategies, including the PADVAP.*** However, introducing a more detailed budget would require additional staff, accounting knowledge, monitoring and thus resources. Therefore introducing more budget categories seems unlikely in the near future. Nevertheless, institutions must consider the costs affiliated with implementing strategies like the PADVAP and must install mechanisms for planning and monitoring affiliated costs. A cost-effective solution could involve more clearly specifying the cost, budget line and ministry responsible for activities in programs like the PADVAP. MEST offered a positive example, detailing PADVAP expenditures.

During the year, individual budget organizations can redistribute the budget among expenditure categories to align budgets with recently passed legislation (e.g., the PADVAP), government spending and changes in revenues. The government did not undertake a midyear budget revision in 2011. Coordination among finance and programmatic officers can ensure budget plans and allocations match legal responsibilities, but KWN research suggests that such inter-departmental cooperation within institutions was uncommon.

Following the first quarter, the Assembly approves the annual financial report from the prior year. Reviews showed that in 2011 few funds remained unspent; the biggest difference was in goods and services (90% of the budget was spent). For example, in MLSW, 97% of the total budget was spent, but only 87% of the "goods and services" category was spent. The budget law in Kosovo does not allow unspent funds to roll over to the next year, which contributes to timely but not to quality budget execution.

Budget expenditure statistics can inform budgetary planning and efficient use of future funds. If an institution only spent 90% of its budget, it should investigate why funds went unspent. However, even if Kosovo institutions do not spend the entire amount allocated, they tend to receive the same amount the next year.<sup>16</sup> This violates the Budget Circular, which states that indicators should track the efficiency of proposed activities towards realizing the government priority of good governance. Budget requests should be based on feasibility and cost-benefit analyses, not on recurrent annual costs. For example, shelters receive similar budget allocations regardless of other income, number of clients served and/or quality of services provided. Similarly, neither the quality of services provided by social service officers nor the number of cases settled by courts is used to evaluate the efficiency and effectiveness of these institutions' annual budgets.<sup>17</sup>

The Budget Circular requires each organization to present performance indicators.<sup>18</sup> However, KWN found minimal evidence that budget organizations used indicators or results-

<sup>14</sup> KWN focus group with budget officers, Prishtinë/Priština, 5 April 2012.

<sup>15</sup> Ibid.

<sup>16</sup> KWN review of institutions' annual budgets.

<sup>17</sup> Findings based on KWN interviews with responsible institutions, 2012.

<sup>18</sup> Each program must have "(i) At least one specific outcome indicator, (ii) At least two measures of output, (iii) One measure of efficiency for each output."

based management in the budgeting process.<sup>19</sup> Monitoring of budget performance has been scarce, and institutions' budgets are not necessarily linked with activities based on the legal framework. ***Performance indicators need to be expanded to measure performance based on strategies like the LPADV.***<sup>20</sup>

The LPADV and PADVAP are new and thus the relevant institutions have had minimal experience in budget planning. The budget planning process for 2013 will provide institutions with the opportunity to assess programmatic and budget performance to date and adjust budgets accordingly. This report seeks to facilitate this review process by describing funded and under-funded activities and suggesting strategies for more efficient financing. AGE, GEOs, the Women's Caucus and women's NGOs can influence the budget, particularly in August and September. They can review draft budgets to ensure relevant institutions are fulfilling their legal mandates related to domestic violence and furthering gender equality. To facilitate this, the Budget Circular could include mandatory consultations with AGE and GEOs during budget hearings. Yet, beyond gender equality advocates, ***all budget officers, program officers, parliamentarians and ministers have a responsibility to ensure that institutions fulfil their legal commitments.***

### **Decentralization and Municipal Participation in Budgeting**

The 2008 Law on Local Government Finances introduced rules and secured funding for local governments to deliver minimum standard services.<sup>21</sup> Via decentralization, the government encourages municipalities to manage and boost their own revenues. Municipalities can raise funds to implement the PADVAP and to finance services related to domestic violence.

Kosovo municipalities have two sources of financing: own-source revenues and intergovernmental transfers. Municipalities receive transfers (Operational Grants) from the central budget. Thus, funding for services such as education and healthcare for domestic violence victims come primarily from the central level. The General Grant seeks to equalize revenues among municipalities by using a formula of allocation that includes total population (89%), surface area (6%), number of minority residents (3%) and municipalities where minorities comprise an ethnic majority (2%).<sup>22</sup> Budget allocation decisions do not draw from gender disaggregated data. However, such data is important for facilitating planning processes and ensuring that budgeting addresses the specific needs of women and men, girls and boys.

Citizens living in diverse geographic areas of Kosovo do not enjoy equal access to services. For example, while Mitrovicë/Mitrovica and Gjilan/Gnjilane offered most services related to addressing domestic violence, Dragash/Dragaš only had a Legal Aid Office. Its location in a mountainous area far from the nearest city of Prizren limited citizens' access to institutions and services. As a small municipality, Dragash/Dragaš cannot finance the services available in other larger municipalities. In contrast, Mitrovicë/Mitrovica has substantial financial resources (see Graph 5),<sup>23</sup> but politics undermine victims' access to

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<sup>19</sup> Results-based management involves managing for results. In planning, implementation, monitoring, and evaluation, the gaze remains focused on the results that are sought. It can be illustrated as: Input (financial & human) → Activities → Results → Impact.

<sup>20</sup> KWN/UNDP working group, "At What Cost?", 13 June 2012.

<sup>21</sup> The Law on Local Self-Government (Law no. 03/L-040, 2008) states that municipalities should have the authority to manage their own budgets; the authority to set rates and exemptions for local taxes, fees, tariffs and fines; and all municipal services should be financed through municipal budgets, including own source revenues (Art. 24).

<sup>22</sup> MTEF, p. 64.

<sup>23</sup> Of these municipalities, Mitrovicë/Mitrovica received the most funds per capita in 2011: €24.49 per person for health and €2.29 for social services. As many Kosovo Serbs did not participate in the census, however, the population may be larger and per capita spending less. While they managed 84% of this budget, municipal authorities said they had no control over the 16% of the budget spent in the North.

services, especially justice (see Chapter 4). Gjilan/Gnjilane offers a positive example: municipal authorities made substantial financial contributions to the shelter there.

Municipalities reported having more control over own-source revenues. However, these comprised only 14.7% of municipal budgets in 2011. Moreover, the MTEF predicts own-source revenues will increase only 3% over the next three years. Dependency on central government funding affects municipal officials' ability to fund local priorities. "Our requests often are not considered," a budget officer said. "For example, the Inspectorate of Labour asked for more employees, but MoF limits will not tolerate this. MoF

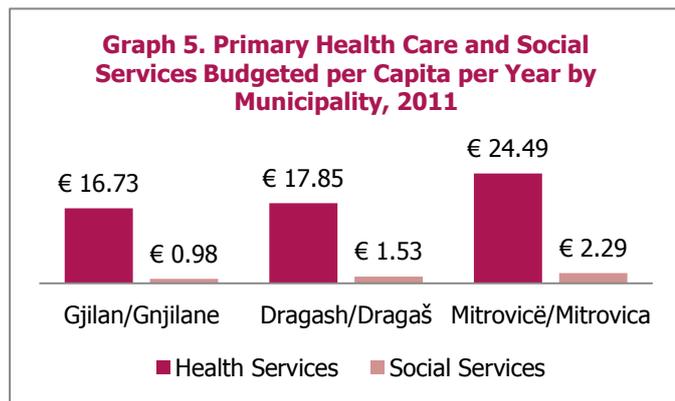
*"The main processes and policies are decided at the central level. We follow these policies, which prioritize capital investments."*  
- Municipal Budget Officer

says these are 'soft limits', but in reality they are *very strong* limits."<sup>24</sup> Municipalities may be unable to hire sufficient staff for services related to domestic violence. Thus, while decentralization should ensure participatory budget planning at the local level, both planning and execution remain fairly centralized.

Decentralization has been implemented to various degrees depending on the institution. The Kosovo Police and justice institutions (e.g., courts, VAs and Legal Aid Commission) perform budget planning, management, expenditures and oversight, including related to domestic violence, at the central level. In contrast, municipal directorates of health and social welfare<sup>25</sup> and of education have a municipal budget and general government grant. This contributes to confusion, particularly among social workers, as to whom they should report: the municipality or the Department for Social Welfare (DSW). Presently they report to both, and both should monitor performance. CSWs also reported having more responsibilities but fewer resources; the planned municipal supplements to the decreased government grant failed to arrive impairing their ability to fulfil their responsibilities.<sup>26</sup>

Towards public oversight of budgets, municipalities should consult with citizens between June and September. However, few municipalities inform citizens about consultations in time for citizens to attend.<sup>27</sup> Citizen participation in the budgeting process generally remains low, particularly among women.<sup>28</sup> Budgetary decisions seem to be made primarily by the municipal leadership in accordance with central level policies.

Every municipality has a GEO. According to the Law on Gender Equality they should "review every decision taken by the local government prior to endorsement," including the municipal budget.<sup>29</sup> ***GEOs do not seem to play a very active role in drafting the budget.*** "We do not take part in the budget process. All our requests [for funding] have to go through the Administration Directorate or the Mayor," a GEO told KWN. ***Insufficient access to financial resources has hindered GEOs' ability to strategically advance gender equality at the municipal level.*** This includes preventing domestic violence by



<sup>24</sup> KWN interview with Department of Budget and Finance official, 2012.

<sup>25</sup> In Mitrovicë/Mitrovica, the directorate was dissolved. Instead, the Municipality has a Directorate of European Integration and Social Welfare and a Directorate of Health.

<sup>26</sup> KWN interviews with social workers at the municipal level, 2012.

<sup>27</sup> See Kosovo Institute for Policy Research and Development (KIPRED), *Public Funds towards an Efficient and Transport Management of Municipal Budget*, Prishtinë/Priština: KIPRED, 2011, p. 23.

<sup>28</sup> Ibid and KWN interviews with municipal officials and NGOs, 2012.

<sup>29</sup> Law on Gender Equality in Kosovo, Art. 4.16.

addressing gender inequalities. GEOs should have a budget independent from the Human Rights Unit or mayor's office.<sup>30</sup>

Officials were unaware of GRB as a tool, with the exception of one GEO in Gjilan/Gnjilane.<sup>31</sup> Municipal officials generally had the perception that organizing a meeting to mark International Women's Day, 8 March, was sufficient for "addressing gender equality". However, organizing a cocktail party or luncheon for women probably does not contribute strategically to furthering gender equality within the municipality.

Based on an assessment of existing budgeting processes, UN Women plans to train GEOs and municipal stakeholders to use GRB to budget for addressing domestic violence in Gjakovë/Đakovica, Gjilan/Gnjilane and Dragash/Dragaš (€60,000).<sup>32</sup> They also plan to train NGOs on participatory planning, budgeting and advocacy for integrating responses to gender-based violence into municipal planning and budgeting.<sup>33</sup>

Municipalities tended not to have budget lines specifically addressing domestic violence. A few GEOs undertook activities and some municipalities funded shelters and/or individual social cases. This support was not institutionalized within the municipal legal framework, but depended on the will of local leaders, particularly the mayor.<sup>34</sup> Municipalities where shelters were located tended to fund activities related to addressing domestic violence, whereas other municipalities tended not to allocate funding.<sup>35</sup>

### **Conclusions: Roadblocks in Budgeting Impact Domestic Violence Services**

Despite commitments made to the legal framework related to domestic violence, the Kosovo Budget clearly shows that domestic violence is not a priority. No drastic changes can be made to the MTEF until a new midterm plan is adopted in 2014. Future budget planning must consider how activities presently financed by donors will be sustained, particularly with donor support potentially declining. Although municipalities can generate their own revenues, their meagre 3% predicted growth in revenues will not provide sufficient resources to implement the PADVAP. Municipalities will continue relying primarily on central government funding, and thus local officers' influence on municipal budget priorities will probably remain negligible. New revenues to support the implementation of the PADVAP seem unlikely.

The PADVAP does not have a line in the Kosovo Budget, which impacts financing for its implementation. Thus, the government has indicated that the budget for implementing it will be horizontal: every institution with a responsibility to implement the PADVAP must do so by managing their own, existing budget. Aspects of the PADVAP are related to their regular institutional duties and those duties should have been costed for already. However, an examination of institutions' budgets, elaborated in the chapters that follow, shows that insufficient funds have been allocated for fulfilling their legal mandate. Chapter 7 discusses strategies the government could use to overcome obstacles to financing the implementation of the PADVAP, as well as the broader legal framework for addressing domestic violence.

AGE, GEOs and program officers with legal responsibilities related to domestic violence have been insufficiently involved in budget planning processes. The Budget Circular should require consultations with them. Further, all budget officers, program officers, parliamentarians and ministers have a responsibility to ensure that institutions fulfill their legal commitments related to domestic violence. Better performance indicators should measure their performance based on their respective legal roles and responsibilities.

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<sup>30</sup> Law on Gender Equality in Kosovo, Art. 4.15. Also, KWN interview with GEO, July 2012.

<sup>31</sup> KWN interview with GEO, 2 March 2012.

<sup>32</sup> This is part of the UNKT GBV Program.

<sup>33</sup> KWN interview with UN Women representative, 23 March 2012.

<sup>34</sup> Shelters or individuals wrote requests. If approved, funds came from the mayor's subsidies expense category.

<sup>35</sup> KWN conversations with representatives of municipalities, 2012.

# Chapter 3.

## Prevention

This chapter and the chapters that follow examine the precise expenditures in 2011 as per each pillar of the PADVAP and broader legal and policy framework for addressing domestic violence. The Prevention Pillar seeks to “establish efficient and comprehensive mechanisms for the prevention of domestic violence.” Activities related to this objective include educating the population to report domestic violence; informing the population where they can report domestic violence; raising public awareness about domestic violence and its consequences through community roundtables; and introducing psychologists and pedagogues in municipalities.

### Formal Education about Domestic Violence

MEST should take part in drafting an Administrative Instruction (AI) under MLSW’s lead or may enact an AI to implement the LPADV.<sup>1</sup> The Ministry has not planned, budgeted for or begun drafting any AI related to domestic violence. The Kosovo Law on Pre-University Education foresees that MEST and municipalities should enhance gender equality and promote students’ and teachers’ health, security and wellbeing.<sup>2</sup> This suggests a duty to prevent domestic violence. Teachers must report to the CSW any suspected case of physical, sexual or psychological violence against children.<sup>3</sup> As a preventative measure, teachers also can (and may already) meet the parents of children potentially residing in abusive families.<sup>4</sup>

In accordance with the PADVAP, MEST should introduce psychologists in schools; offer services and professional qualifications to domestic violence victims;<sup>5</sup> and educate the population to report domestic violence.<sup>6</sup> Since 2009, MEST has budgeted €432,000 per year for 40 psychologists working in municipal education departments.<sup>7</sup> However, a MEST official said “there was not enough budget” to sustain the program. Further, psychologists have been based in municipal education directorates rather than schools, which the PADVAP foresees. Schools in rural areas in particular lack access to psychologists. MEST thus seems under-resourced in carrying out its responsibilities. Pedagogues and psychologists could collaborate more to assist children who may be suffering domestic violence.<sup>8</sup> Both could benefit from training by professionals on a referral process, protocols for suspected domestic violence cases and the appropriate approach to assisting children.

According to the PADVAP, schools through MEST, municipal authorities and AGE should work to increase the general population’s awareness about domestic violence. In Grade VI, schools provide civic education courses that inform students about concepts

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<sup>1</sup> LPADV, Art. 27. It states that MLSW must cooperate with other ministries including MEST to create structures to support persons who experienced domestic violence. This includes social assistance and medical services.

<sup>2</sup> Law on Pre-University Education in the Republic of Kosovo, No. 04/L-032, 2011, art. 3, 5 and 7.

<sup>3</sup> Law on Social and Family Services, No. 02/L-17, 2005, Art. 10.6. Failure to do so will be acted upon in accordance with the Provisional Criminal Code of Kosovo, UNMIK/REG/2003/25, 2003, Art. 156.

<sup>4</sup> The time and budget implications could not be assessed since time spent engaging in preventative activities was not recorded.

<sup>5</sup> MEST offers education for domestic violence victims (see Chapter 5). This can prevent violence by providing victims with skills for securing income and economic independence.

<sup>6</sup> PADVAP, strategic objectives (SO) and activities 1.1, 4.1.4 and 1.4.

<sup>7</sup> Psychologists probably do not spend all of their time dealing with domestic violence-related issues.

<sup>8</sup> Participant, KWN/UNDP working group, 13 June 2012.

related to children's rights, human rights and child labour.<sup>9</sup> Elementary civic education includes a chapter on domestic violence, and MEST offers training on the rights of children and violence in schools. As children mature, more information on domestic violence is provided. MEST has integrated two modules in Grade VIII that deal with gender issues, anti-trafficking and health, one of these elective modules has a chapter on domestic violence.<sup>10</sup> Since these courses are integrated into the educational system, the present budget, namely teachers' salaries, should be sufficient.

MEST offers a range of training opportunities for teachers. However, training on domestic violence is not provided regularly. Teachers leading the two aforementioned Grade VIII courses were informed about the new curricula when it was introduced, but no further training was provided. MEST does not consider that providing training on preventing or responding to domestic violence is part of its mandate. Representatives said that if teachers and students requested education on domestic violence, support would be provided. Their comment seems to ignore that the PADVAP not only requests but requires such training.

Assessing the effectiveness and efficiency of programming is important. The Department of Inspection evaluates the quality of teaching and the MEST curricula, but there is no inspection of the quality of teaching on domestic violence specifically. Heads of schools conduct assessments and report to municipal education inspection departments. MEST costs and budgets for monitoring and evaluation. However, since monitoring evaluates a school's overall performance, a single figure of the costs for monitoring teaching on issues related to domestic violence could not be identified.

MEST recently changed its budgeting process, and work plans within each department are now matched with respective budgets. Accordingly, the budget officer identified two departments that could undertake activities related to domestic violence: the Department of Education Inspection and the Human Rights Unit. The Department for Inspection does not identify domestic violence cases directly. Rather, teachers are obliged to refer cases to this institution. Since no cases have been referred to date, the Department has not yet spent any time or resources on domestic violence; this does not mean that a budget should not be allocated. The Human Rights Unit did not have any budget lines specific to domestic violence; and education directorates in the studied municipalities reported neither carrying out nor budgeting for prevention activities.

### **Awareness-raising**

The PADVAP requests that multiple institutions sensitize society to domestic violence; establish mechanisms to educate and raise awareness among youth; and increase the number of domestic violence cases reported. A plethora of related awareness-raising actions have taken place and are planned for future years (see Table 4).

Towards the PADVAP's objectives, the Ministry for Public Administration (MPA), Ministry of Justice (MoJ), government institutions,<sup>11</sup> NGOs, donors and media should organize media campaigns on domestic violence. MoJ's Human Rights and Gender Equality Unit leads such campaigns. However, as the Table illustrates, donors and NGOs have invested much more in this activity than Kosovo institutions.

The PADVAP also foresees that the Association of Independent Journalists (AIJ), governmental institutions, NGOs, donors and media will organize roundtables about domestic violence in communities. AIJ has not budgeted any resources for this, and its representatives were unaware that AIJ was mentioned in the PADVAP. While AGE had

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<sup>9</sup> In Grade V, students learn about family, school, social roles and home/residence; and the role, rights and duties of families and schools. In Grade IX, students learn about various family types, gender roles and relations in extensive families, changes in contemporary families and communication skills between parents and children.

<sup>10</sup> All information in this chapter draws from interviews or correspondence with relevant institutions in 2012, unless otherwise noted. The courses are Civil Education (compulsory) and Skills for Life (elective).

<sup>11</sup> The PADVAP does not specify which institutions, though it often mentions "central and local institutions."

allocated some funding, donors and international organizations had organized or planned to organize most community meetings. NGOs, including shelters, also had numerous demonstrations, plays and outreach activities, particularly during the annual 16 Days against Violence against Women campaign.<sup>12</sup>

**Table 4. Estimated Costs of Awareness-raising Activities Related to Domestic Violence, 2011-2012**

*Key: No known budget = €0; larger budget than indicated = >; budget unknown = ?*

Actor	Activity	2011	2012
AGE	Educate the population to report DV (e.g., workshops, leaflets)	€13,319	€3,000 <sup>13</sup>
AIJ	Roundtables with the community and relevant entities	€0	€0
EULEX	Public outreach about DV (e.g., billboards and TV broadcasts)	?	? <sup>14</sup>
ICITAP <sup>15</sup>	Roundtables, school presentations and material archive on DV	?	>€6,198
ICITAP	Awareness-raising brochures, distributed by Kosovo Police	€5,200	?
KWN (KtK)	Awareness-raising and advocacy related to DV	€11,000	€12,500
KWN (KtK)	Campaign for 15 Days (Crossing Bridges documentary, TV spot, discussions, theatre)	€10,720	?
Legal Aid Commission	Inform the population where they can report DV cases (brochures)	€0	€0
MCYS	DV programming for children on radio and TV	€0	€0
MoJ	Roundtables with the community and relevant entities	€1,500	€1,500
MoJ	Contribute to organizing media campaigns focused on DV	€0	€0
MPA	Organize media campaigns focused on DV	€0	€0
Municipality	Gjilan/Gnjilane GEO prepared brochure with information about DV	€160	?
OPDAT	Outreach in schools and universities about issues victims face	€0	? <sup>16</sup>
OPDAT	Brochures on victims' rights	€0	€565
OPDAT	Informational materials on victims' rights and psychosocial needs	€0	?
OSCE <sup>17</sup>	Public participation in drafting gender equality strategies in Prizren and Dragash/Dragaš, with topics related to DV	>€872	€0
OSCE	Workshops for Roma and Ashkali women with DV as a topic	?	?
OSCE and AGE	Workshops on gender equality and women's rights focusing on DV	>€5,365	€0
OSCE	Publish and launch catalogue with information for DV victims <sup>18</sup>	>€8,360	>€4,200
OSCE	Theatre performance marking international gender equality days	€0	>€3,450
OSCE	Theatre performance and awareness-raising about DV (Prizren)	€0	>€3,621
OSCE	Awareness-raising in rural areas in Podujevë/Podujevo Municipality	€0	>€1,755
OSCE	Awareness-raising campaign on DV and anti-trafficking help line	€0	€19,195
OSCE	Training for journalists and award for the best story on DV	€0	?
PILPG <sup>19</sup>	Public education workshops on DV for youth in 10 municipalities	?	?
PILPG	Police pamphlets with information about assistance	?	>€300
Police	Brochure informing population about DV and where to report it	€1,500	€1,500

<sup>12</sup> The 16 Days begin on the International Day against Violence against Women (26 November) and last until 10 December, the International Day of Human Rights.

<sup>13</sup> AGE representatives estimated that 160 days and two workshops per year were devoted to domestic violence-related activities, which involved €2,400 annually for wages and salaries and €3,000 for goods and services.

<sup>14</sup> EULEX did not have a separate budget line and could not estimate costs.

<sup>15</sup> ICITAP cooperated with the U.S. Embassy Public Diplomacy Section. ICITAP-funded Community Safety Action Teams' meetings "coincided with an increase in media coverage of domestic violence issues" (correspondence, 2012). KWN used ICITAP's higher cost estimate here because ICITAP could not estimate the per cent of staff time spent on this program. They planned to offer support until 2014 when the Department of Public Safety in the Ministry of Internal Affairs should take over; it is unclear whether a budget will be allocated by the Ministry.

<sup>16</sup> The budget had not been allocated as of June 2012, and the timeframe for the activities was unknown.

<sup>17</sup> OSCE noted: "The breakdown of costs drafted in [the] table is not directly applicable to the OSCE Mission in Kosovo; a detailed breakdown of costs that singles out each activity cannot be representative of the effective work of the Mission which has a wider and comprehensive scope. In addition, any breakdown of staff time/costs would be hardly accurate and may lead to unsound data" (correspondence, 28 May 2012). Without considering staff or operational costs, these are underestimates of the amount OSCE spends related to domestic violence.

<sup>18</sup> The catalogue cost approximately €8,360 in 2011; publishing it in Romani and Turkish will cost about €4,200 in 2012; and the cost of launching it in 2012 could not be calculated.

<sup>19</sup> This is the U.S.-funded Public International Law and Policy Group (PILPG).

PVPT (Embassy of Norway)	Awareness-raising among potential victims to prevent trafficking <sup>20</sup>	€5,030	?
Ruka Ruci (KtK)	Campaign against DV (roundtables and workshops)	€1,100	€1,100
UNDP <sup>21</sup>	Public Service Announcement (PSA) with DV helpline shown in cinema	>€5,760	€0
UNDP WSSI	With the Kosovo Small Arms Control Initiative (KOSSAC): awareness-raising on use of firearms during celebrations and in DV incidents <sup>22</sup>	€4,310	?
UNDP WSSI	Promotional materials against DV	€2,141	€0
UNDP WSSI	Produce documentary on DV and trafficking in human beings <sup>23</sup>	> €8,220	€0
UNDP WSSI	Produce documentary film and campaign	€9,200	€0
UNDP WSSI	16 Days and Global Week against Gun Violence campaigns <sup>24</sup>	€7,539	€6,979
UNDP WSSI	Award for the best journalistic piece on GBV in Kosovo	€0	€1,162
UNDP WSSI	Roundtables on reporting on GBV with newspaper editors and AIJ	€0	€ 5,427
UNDP WSSI	Train journalists on effective reporting on issues of GBV and ethics	€0	€ 6,973
UNFPA-GBV <sup>25</sup>	Youth-peer education on DV and GBV	€0	€7,606
UNFPA-GBV	Raise religious leaders' awareness to identify and support DV victims	€0	€4,564
UNICEF-GBV	Community based DV programs targeting youth; dialogue with men	?	€16,275
UN Women	Raise awareness of youth regarding DV <sup>26</sup>	€0	€7,500
<i>Zensko Pravo</i>	Campaign against DV <sup>27</sup>	€0	€10,936

MCYS, media, NGOs, donors, theatres and AGE should include the issue of domestic violence in radio and television programming for children and youth.<sup>28</sup> However, MCYS has not led or budgeted for any activities related specifically to domestic violence.<sup>29</sup> The PADVAP also foresees training journalists to report on domestic violence.<sup>30</sup> Both UNDP and OSCE planned such activities for 2012 (see Table 4).

The PADVAP calls for the Kosovo Police, MoJ, Legal Aid Commission, AGE, schools (MEST), CSWs, municipalities, donors and media to educate and inform the population about institutions where they can report domestic violence. According to the PADVAP, "no costs" are affiliated with this activity, but costs clearly exist (see Table 4). The Legal Aid Commission, at least one municipality and Kosovo Police budgeted for outreach materials. Additionally, OSCE, ICITAP and PILPG each printed informational brochures for police, while the U.S. Embassy Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training Program (OPDAT) published brochures on victims' rights.

No known impact analyses have examined the effectiveness of prevention efforts to date.<sup>31</sup> Such analyses are important for assessing whether budgets have been spent efficiently. A 2013 Kosovo-wide survey to measure perceptions and attitudes five years after the first UNDP-funded KWN survey in 2008 could offer a point of comparison for assessing changes in awareness over time. Additional questions could help assess which awareness-raising campaigns were most effective. The Statistical Office of Kosovo (SOK) should budget

<sup>20</sup> NGO Protecting Victims Preventing Trafficking (PVPT) focuses on trafficking (see Chapter 4 for its relevance).

<sup>21</sup> Other UNDP programs may contribute to preventing domestic violence by shifting gender norms and addressing underlying factors. However, the exact cost of these activities could not be identified because domestic violence is complex and UNDP's approach multi-faceted.

<sup>22</sup> This included contributing to drafting the relevant legal framework (funded by the government).

<sup>23</sup> Payments for the documentary were made in tranches with the final payment made in 2011.

<sup>24</sup> UNDP's annual budget for this campaign is integrated in other projects.

<sup>25</sup> UNFPA and UNICEF plan to collaborate for awareness-raising as part of the Finnish-supported UNKT program. Amounts in the next three lines are rough estimates; twice this amount will be spent from 2012 to 2013.

<sup>26</sup> UN Women also funded a Kosovo Judicial Institute (KJI) manual with relevant institutions' contact information. Funding will be spent from 2012 to 2013, and this is only a rough estimate of the expenditures in 2012.

<sup>27</sup> *Zensko Pravo* (Women's Rights in English) was funded by the Embassy of the Netherlands. They also received funding for awareness-raising from USAID through Mercy Corps, but the amount could not be determined.

<sup>28</sup> PADVAP.

<sup>29</sup> The Law on Empowerment and Participation of Youth (Law No. 03/L-145, 2009) does not mention domestic violence. MCYS said they lacked sufficient financial and human resources for carrying out their legal duties.

<sup>30</sup> This appears under the rehabilitation and reintegration pillar (PADVAP), but contributes to prevention as well.

<sup>31</sup> In 2012, UNICEF planned to conduct a baseline study on domestic violence in the three pilot municipalities targeted by UNKT (€37,185). The survey will serve primarily to assess change influenced by the program.

for and carry out regular surveys dealing with domestic violence. SOK can draw from KWN's extensive experience and research instruments for time-series comparisons.

### Measuring Increased Reporting

A specific objective of the PADVAP is to increase the number of reported cases.<sup>32</sup> This requires "updating" institutions' present databases so that they can monitor and evaluate whether they have achieved this objective. Accurate information about cases assisted also can facilitate case management, programmatic planning and costing exercises that inform institutions' budgets.

However, data collection remains poor within and between institutions.<sup>33</sup> Most institutions enter data manually, sometimes in handwritten registers. Electronic systems rarely facilitate the collection of crucial demographic data or allow for this data to be easily disaggregated for analysis. As a result, institutions require substantial human resources (and thus substantial costs) to manually analyse data. KWN found institutions often lacked sufficient data, staff and/or expertise to provide data when requested. Many institutions did not record domestic violence as a separate category (health institutions, courts, prosecutors and employment offices).<sup>34</sup> Few institutions were required to report on domestic violence cases in quarterly or annual reports, so they had little incentive to collect this information. Table 5 shows the data available regarding domestic violence cases assisted.

**Table 5. Number of Domestic Violence Cases Assisted by Each Institution, 2000-2011**

	2000-1	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	AVG	Total
Kosovo Police		1273	1251	1318	1370	1371	1077	1034	1080	944	1046	1176	<b>11,764</b>
Victim Advocates			314	414	592	703	645	610	654	627	739	589	<b>5,298</b>
Shelters	138	139	444	523	478	527	550	548	206	526	394 <sup>35</sup>	355	<b>3,553</b>
Legal Aid Commission <sup>36</sup>								36	20	<i>76.5</i>	<i>76.5</i>	52	<b>209</b>
Centres for Social Work				223	380	438	170	247	92	229	226	251	<b>2,005</b>
Kosovo Judicial Council <sup>37</sup>								2795					<b>&gt;2,795</b>

*Source: Information provided to KWN by institutions.*

Installing an integrated information management system could improve the efficiency of data collection, data processing and inform programmatic and budget policies.<sup>38</sup> All institutions should be required to enter data regarding the services they provided. In this system, the victim could be identified once. Then other institutions could use the same case file, facilitating coordination, follow-up and monitoring (see Chapter 6). Password-protected security could grant particular institutions access to specific clients' files. Confidentiality and permission from clients for data sharing would have to be ensured. Such a system should be installed in close collaboration with all relevant institutions and NGOs to ensure that it meets their needs while enabling them to provide quality services.

Finally, evaluating whether the objective to increase reporting has been achieved requires caution. Institutions should consider that the data they collect does not reflect the *overall extent* of domestic violence because violence is not always reported. As Graph 6 shows, an increase in reporting does not necessarily mean that the prevalence of domestic

<sup>32</sup> PADVAP SO 4.1.

<sup>33</sup> Findings based on KWN interviews and observations when requesting data from institutions for this research.

<sup>34</sup> Only shelters, VAs, Legal Aid Offices and CSWs recorded domestic violence cases separately.

<sup>35</sup> This includes data as of October 2011.

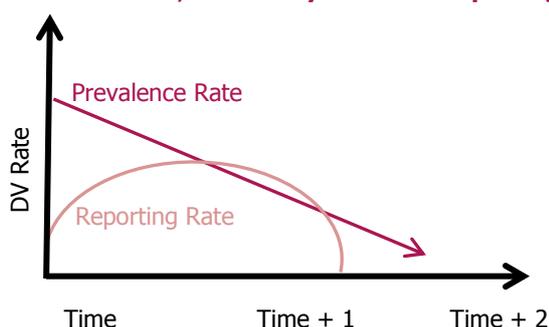
<sup>36</sup> The numbers in italic are estimates made by KWN, based on the total number of cases and an average of the three years for which the Commission did not have data.

<sup>37</sup> KWN, *More than "Words on Paper"?*, p. 43. This includes the crime of light bodily harm, so more cases existed.

<sup>38</sup> UNKT planned to install a database for managing domestic violence cases in its targeted municipalities as part of the GBV Program. All institutions will be able to enter data and it will be managed by the municipality.

violence has increased. Improved institutional capacity to assist more cases or prevention efforts that encourage reporting may result in a temporary increase in the number of reports. This may give the incorrect impression that domestic violence has increased. With quality service provision and effective prevention efforts, prevalence may then decrease with time.

**Graph 6. Prevention and Services Can Decrease Prevalence, but Briefly Increase Reporting**



### Conclusions

Since numerous institutions are engaged in domestic violence prevention efforts, it is impossible to identify all money budgeted or spent. A rough estimate of prevention-related expenditures in 2011 is €526,264, including less than €448,479 from the state and more than €77,785 from donors.<sup>39</sup> In 2012, at least €596,727 has been budgeted for prevention efforts. The PADVAP foresees that prevention efforts cost €85,540 per year (€342,160 over four years). The estimated expenditures in 2011 and 2012 exceed the amount planned. This suggests that prevention efforts may be *over-funded*, particularly when compared to the other pillars. **The plethora of similar awareness-raising activities suggests overlap and inefficient use of resources.** With few exceptions, diverse actors' awareness-raising activities *have not been well coordinated*. Stakeholder collaboration on one Kosovo-wide



*KWN identified a plethora of often overlapping awareness-raising materials.*

awareness-raising campaign and a single informational brochure could mean more efficient use of resources and greater impact. AGE and the relevant line ministries could better monitor and evaluate prevention initiatives.<sup>40</sup> Stakeholders could track impact using a single indicator, which could be measured using regular Kosovo-wide household surveys like *Security Begins at Home*.

While their effectiveness should be monitored, extra expenditures on prevention may be worthwhile in the short-term. Investing in education and awareness-raising may prevent additional costs to the state related to protection and rehabilitation from domestic

violence (see Chapter 7). Donor uncertainty regarding long-term funding and decreases in MEST's budget for psychologists may undermine institutions' ability to prevent violence, leading to additional protection and rehabilitation costs.<sup>41</sup> Therefore, the *government* should ensure sufficient funding is allocated for future prevention efforts.

<sup>39</sup> State expenditures are likely high because MEST psychologists probably did not spend 100% of their time preventing domestic violence. Insufficient record keeping meant the exact per cent could not be calculated. Conversely, expenditures by donors are substantially more as they could not provide many costs. The considerable missing data makes it difficult to estimate the per cent spent by donors and the government.

<sup>40</sup> LPADV, art. 27 and 28.

<sup>41</sup> Budgeting for prevention can be challenging because budget codes do not exist (KWN/UNDP working group).

# Chapter 4.

# Protection, Security and Prosecution

The Protection and Security Pillar of the PADVAP aims to “have efficient protection mechanisms for victims of domestic violence” by 2013. This chapter examines the relevant legal and policy framework, service quality and costs of policing, forensics, prosecution, victim advocates (VAs), legal aid, social welfare, shelter and correctional services.

## **Police: Offering Protection and Security**

The LPADV establishes protection measures for domestic violence victims via civil proceedings.<sup>1</sup> It authorizes the Kosovo Police as a common first point of contact to issue Temporary Emergency Protection Orders (TEPO) outside regular court hours.<sup>2</sup> Aside from courts, no other institution may perform this duty. The TEPO is valid until the court resumes working hours and a Protection Order or Emergency Protection Order is issued.

The LPADV spells out the roles and responsibilities of the Kosovo Police: reporting potential incidents of domestic violence; arresting the perpetrator if there are grounds to believe that a domestic violence act has occurred; providing a special telephone line for victims; informing the victim or her/his representative about the right to seek a TEPO, legal, psychological or other services; facilitating contact with service providers; and transporting the victim and dependents for medical examination. The police should also identify an investigative officer, complete an incident report and provide a copy of the report to the victim. In cases of violence against children, police must contact the responsible CSW.<sup>3</sup> Police may provide protection for victims in compliance with witness protection legislation. Following court orders, police remove perpetrators from common residences.<sup>4</sup> For cases involving criminal conduct, police prepare proceedings for the prosecutor.<sup>5</sup> Table 6 summarizes the services and referrals provided by police from 2006 to 2010.

In 2011, the Kosovo Police updated its Standard Operating Procedures (SOPs), defining each step police should take when assisting domestic violence victims.<sup>6</sup> All police

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<sup>1</sup> LPADV, Art. 4 - Art. 12. It foresees three kinds of protection orders. A Protection Order cannot exceed 12 months, but can be extended up to 24 months (Art. 18, para. 2); an Emergency Protection Order ceases to exist when the court issues a protection order (Art. 18, para. 4); and a TEPO cannot exceed 48 hours, becoming invalid after the court issues a protection order (Art. 22, para. 2).

<sup>2</sup> LPADV, Art. 22.

<sup>3</sup> Ibid. When police suspect domestic violence has occurred, they must inform the victim about the status of the investigation and whereabouts of the suspected perpetrator.

<sup>4</sup> LPADV, Art. 24.

<sup>5</sup> Police claim that they refer almost all cases to the municipal prosecutor (99%) (KWN interview with official, Kosovo Police DVIU, 18 January 2012). However, in 2011, police received 1,046 reports of domestic violence, but the Office of the State Prosecutor only claimed to have received 629 cases. This suggests that either police did not refer as many cases as recorded or the Office of the State Prosecutor did not record all cases.

<sup>6</sup> ICITAP supported the development of SOPs using the Minneapolis Domestic Violence Protocol (KWN correspondence with ICITAP, 10 May 2012).

must be trained on SOPs, and implementation must be monitored and evaluated. This has budget implications.

Police have clear roles and responsibilities and an established hierarchical structure (see Graph 7). The Directorate on Investigation of Serious Crimes at the central level has a Domestic Violence Investigation Sector. At the regional

**Table 6. Services Provided by Kosovo Police, 2006-2010**

Service	2006	2007	2008	2009	2010	Total	%
Cases reported	1442	1105	1056	1130	954	5687	100.0
Arrests	393	319	316	261	296	1585	27.9
Referred to CSW	955	591	501	613	406	3066	53.9
Referred to VA	1295	867	834	670	701	4367	76.8
Protection Order by court	183	59	54	154	141	591	10.4
Protection Order by police	1	4	95	0	9	109	1.9
Referred to shelter	81	73	44	52	62	312	5.5

*Source: Kosovo Police. Note: The table shows a decline in the number of cases reported to police. Protection orders were allocated in only 12% of cases, and only 5.5% were referred to a shelter.*

level, Domestic Violence Investigation Units (DVIUs) have a male and a female investigator for domestic violence cases on-call 24 hours.

Budgets are planned and approved by the Police Main Headquarters via a centralized process. Some DVIU expenses, such as salaries and wages, are explicitly included in their 2012 budget. Other costs, such as car maintenance and petty cash, are in police stations' budgets.<sup>7</sup> Police employ a National Coordinator, regional DVIUs and station-level DVIUs (€334,800 annually).<sup>8</sup> Additionally, police have a free 24-hour telephone line to report crimes, costing €21,600 for six staff. Transportation costs €51,600 per year.<sup>9</sup> Overall, the total budget related to DVIUs is at least €408,000 annually. This is an underestimate that does not include time spent by other police units, office supplies, telephones and equipment, which could not be separated from other policing budget lines.<sup>10</sup> Donors and other actors have provided additional funding for equipment important to police work.<sup>11</sup>

**Graph 7. Police Administrative and Financial Hierarchy**



DVIUs lacked sufficient infrastructure to implement their legal responsibilities.<sup>12</sup> "There are technical problems," an officer told KWN. "Investigators complain, 'There are no computers. There is no internet.'" Typically one computer is shared by five to eight police officers. This causes delays in case processing. Further, electricity cuts interrupted interviews. Since the computer system could not store interviews until completed, interviews had to be repeated. This is an inefficient use of human resources and requires victims to recall painful events numerous times. Investment in UPS back-up systems and electric invertors could save human resource costs and improve victims' wellbeing. DVIUs also need interviewing rooms, computers, colour printers, cameras and vehicles. Yet, police spent only roughly half of their capital investments budget in 2011; better spending could provide officers with sufficient equipment for their mandate.<sup>13</sup>

<sup>7</sup> Law on Budget of Republic of Kosovo for Year 2012.

<sup>8</sup> The average monthly salary is €300, totalling €3,600 per year, multiplied by 93 employees.

<sup>9</sup> In total, police stations have 43 vehicles receiving €100 per month.

<sup>10</sup> The Kosovo Police did not record the total number of cases to which they responded, so the percentage of domestic violence-related cases could not be calculated. A MoU between the police and Post Telekom Kosova (PTK) fund the phone line; hence, this budget could not be calculated.

<sup>11</sup> In 2011, UNDP WSSI provided 49 digital recorders and cameras to DVIUs (€5,660). OSCE also provided cameras to DVIUs. In 2012-2013, UN Women plans to provide additional technical equipment for DVIUs in UNKT-targeted municipalities (€20,000).

<sup>12</sup> The EULEX Subject Matter Expert felt police had sufficient resources for carrying out their responsibilities. However, cases sometimes were not processed properly due to insufficient personal commitment or workload, particularly within the prosecution office (KWN correspondence, 3 May 2012).

<sup>13</sup> Republic of Kosovo, Ministry of Internal Affairs, Kosovo Police, *Annual Report 2011*, pp. 28-9.

Moreover, police had numerous unaccounted for expenses. Police transport social workers or VAs, which strains officers' time, access to vehicles and fuel. Without a relevant budget line, police also reported paying out of their "own pocket" for food or clothes for victims. The Municipality of Mitrovicë/Mitrovica found an ad hoc solution: the Municipality contracted a store near the police station to provide food and beverages to victims, funded by the municipal budget for subsidies. A budget line for emergency assistance should be allocated to address this issue from the national level.

Training for police officers is provided as part of the Kosovo Police Academy for Public Safety basic training.<sup>14</sup> Training addresses the roles and responsibilities of police in relation to victims. Additionally, police officers receive eight hours of training on internal SOPs for domestic violence.<sup>15</sup> Annually up to six trainings on domestic violence are delivered at the Academy. This institutionalization of training can serve as a positive example for other institutions. The unit cost of training, covering materials and accommodation, was estimated at €8. The annual cost of training on domestic violence is less than €22,160.<sup>16</sup> Since many officers still require training, this seems insufficient.

Although officers said police are informed about SOPs and trained regularly, some officers in DVIUs had not attended training related to domestic violence since 2002-2003. At that time the old UNMIK Regulation was still in place. All officers must be familiar with the new law and SOPs. For example, an investigator asked a woman victim: "Do you think that you did something wrong so [your husband] hit you? Perhaps you didn't wash or clean well?"<sup>17</sup> Such questions demonstrate a lack of knowledge of the legal provisions, a tendency to blame victims and suggest the need for further training.

While most curricula are institutionalized, police still rely on funding from donors. In 2011, ICITAP led a two-day session on domestic violence, rape and sex offenses for 70 investigators and inspectors, costing €359. Three female police officers also attended a domestic violence conference and training in North Carolina, costing €8,547. Additional donor-funded curricula development and training were planned for 2012.<sup>18</sup>

Police must monitor officers' performance in implementing SOPs, which involves additional incalculable costs. EULEX Police also monitor approximately 450 domestic violence cases per year.<sup>19</sup> Only one EULEX monitor (at the central level) among approximately 1,400 international police officers in Kosovo deals with domestic violence cases.<sup>20</sup> The monitor has the priority of mentoring, monitoring and advising the Head of the DVIU.<sup>21</sup> EULEX does not have a budget line related to domestic violence, but does finance this one position.

KWN monitoring suggests that police demonstrate comparatively better performance in protecting domestic violence victims. This can be attributed to several factors: the LPADV and SOPs detail their roles and responsibilities; they have allocated specific human and financial resources for addressing domestic violence; and they have among the most

<sup>14</sup> During the 20-week training, 20 hours are dedicated to domestic violence.

<sup>15</sup> In 2012, they trained 165 candidates. However, cost estimates for this training were unavailable (KWN interview with Training Officer, Kosovo Police, 2 February 2012).

<sup>16</sup> In 2011, 70 police officers were trained, costing €8 each, totalling €560. Police paid six trainers €300 per month (€21,600 per year). The percentage of time spent training on domestic violence could not be calculated. (KWN interview with representative of Kosovo Academy for Public Safety, 23 February 2012).

<sup>17</sup> KWN interview with police investigator, March 2012.

<sup>18</sup> In 2012-2013, UN Women planned to develop two curricula for training police and judicial actors in targeted municipalities, funded by the Finnish-support UNKT program (€10,000). The training will build on UN Women's prior courses (KWN interview, 23 March 2012). Based on a needs analysis (€5,036), UNDP WSSI will train 250 officers in DVIUs and Community Policing Units in 2012 (€15,496). Also in 2012, OSCE will provide trainings on domestic violence for social workers, Kosovo Police, VAs and other stakeholders.

<sup>19</sup> EULEX estimated the number of cases per year; EULEX has been in Kosovo since 2008. Cases are selected for monitoring based on "use of violence or weapon, age of the victim, seriousness of injuries or obvious lack of performance by the Kosovo Police" (KWN correspondence with EULEX Police Subject Matter Expert, 3 May 2012).

<sup>20</sup> EULEX website, "EULEX Kosovo Police Component," at: <http://www.eulex-kosovo.eu/en/police/>.

<sup>21</sup> KWN correspondence with EULEX Police Subject Matter Expert, 3 May 2012.

complete record-keeping systems.<sup>22</sup> Based on expenditures in 2011, the price tag for all domestic violence-related policing expenses is at least **€423,126** annually, including €408,560 from the government of Kosovo and €14,566 from donors.

### **Medical Forensic Examiners: Supplying Evidence for Prosecution and Protection**

MoJ oversees the Department of Medical Forensics in Prishtinë/Priština.<sup>23</sup> The Section of Clinical Examination, primarily responsible for victims, should be established in the Division of Medical Forensics.<sup>24</sup> This Division is responsible for conducting clinical examinations of victims, witnesses and alleged perpetrators of crimes against persons' sexual integrity.<sup>25</sup> The Division issues medical documents pertaining to the victim or suspected perpetrator. It also collects and examines evidence from victims, witnesses and/or alleged perpetrators.

Forensics should have operational procedures compliant with the Law on Forensic Medicine and internal regulations (SOPs) issued by the Department of Forensic Medicine.<sup>26</sup> However, these do not exist yet. Forensic examinations can be performed with a written request from the investigation and judicial authorities.<sup>27</sup> Examinations may include determining the means and level of bodily injury, work capability, health condition, age and identity. Experts examine victims of sexual offences and suspected child abuse. In cases of sexual violence, the victim undergoes tests by the gynaecologist, and then is referred for counselling services. The Department also can determine the degree of trauma resulting from alcohol use, narcotic abuse and suspected non-accidental injuries.<sup>28</sup> Forensic experts must ensure professional confidentiality and refrain from discriminatory practices.<sup>29</sup> The patient must be informed about the examination and provide written consent prior to the exam.<sup>30</sup> If the patient is under age 18, forensics should obtain consent from the parent or legal representative.

Courts may order forensic doctors to perform DNA tests. Since DNA testing is unavailable in Kosovo, blood samples are sent abroad. Currently victims or perpetrators pay for tests.<sup>31</sup> However, if tests relate to crimes the government should pay.<sup>32</sup> The Department of Forensic Medicine continues to seek MoJ support for establishing a DNA lab in Kosovo.

Only the Department of Forensic Medicine and the hospital emergency centre have the legal mandate to provide courts with evidence. Victims who receive treatment for allegedly domestic violence-caused injuries from other public or private clinics cannot use medical reports in court cases. Not all victims have access to this institution. "Sometimes women simply cannot go," a respondent said.<sup>33</sup>

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<sup>22</sup> Reported cases tended to involve domestic violence against Kosovo Albanian women from rural areas who were unemployed with only a primary school education. The per cent of reported domestic violence cases in each region seemed similar to the regional population share, though Mitrovicë/Mitrovica, Prishtinë/Priština and Gjilan/Gnjilane had more reports of domestic violence than their population share.

<sup>23</sup> Law for Department of Medical Forensics, Nr. 03/L-137, 2009.

<sup>24</sup> In 2012 they were preparing the organizational design and job descriptions, to become functional in 2013 (KWN correspondence with Department of Forensic Medicine, June 2012).

<sup>25</sup> Law for Department of Medical Forensics, Art. 6, para. 1.7, 1.8 and 1.9. This is foreseen by the CCRK.

<sup>26</sup> Law on Forensic Medicine (No. 03/L-187, 2010), Art. 1.1 and Art. 13.

<sup>27</sup> Previously, when the Department was under the Ministry of Health, it accepted cases that came independent of a court request and who paid based on a set price list. Technically, the Department can still accept cases that come without a court referral, but fees have not been set by law yet (KWN interview with official, July 2012).

<sup>28</sup> Ibid, Art. 11.

<sup>29</sup> Ibid, Art. 1.2.

<sup>30</sup> Ibid.

<sup>31</sup> KWN interviews with Legal Aid Officers, 2012.

<sup>32</sup> Law on Forensic Medicine, Art. 11.

<sup>33</sup> KWN interview with expert, 9 March 2012. KWN research has shown that women experiencing violence often are prohibited from visiting doctors (*Exploratory Research on the Extent of Gender-Based Violence in Kosovo and Its Impact on Women's Reproductive Health*, Prishtinë/Priština: KWN, 2008).

There are five forensic doctors (four in Prishtinë/Priština and one in Prizren) and two forensic nurses (€905,117).<sup>34</sup> Extra working hours by medical examiners and their attendance at court hearings must be compensated financially in accordance with sub-legal acts.<sup>35</sup> However no such compensation is provided; MoJ needs to budget for this. In 2011, only one of the 73 cases assisted related to domestic violence. On average, one case costs €12,399.

The Kosovo Police also has a Department of Forensics with Regional Forensic Units and forensic teams. Regional Forensic Units investigate cases of murder, suicide, theft and violence. Municipal forensic teams investigate lighter cases. The Department uses SOPs, treating domestic violence cases as other cases. Expenditures related to domestic violence could not be separated from the overall budget.

### **Courts: Protecting Victims, Prosecuting Perpetrators, Furthering Security**

Protection orders can involve measures towards protecting victims and furthering their security. Courts are the main authority responsible for issuing protection orders against perpetrators of domestic violence. Petitions for protection orders are made primarily at municipal courts in civil proceedings. District courts can also issue protection orders if a custody case is on-going before the court.<sup>36</sup>

Among the allowable measures, victims' compensation should be seen as a form of restorative justice and/or as a punitive measure.<sup>37</sup> States should be responsible for legislative and other measures for victims to claim compensation from perpetrators.<sup>38</sup> When state-funded healthcare is provided, civil claims requesting compensation for other damages should not be limited.<sup>39</sup> In Kosovo, victims have the right to claim restitution and compensation for damages in civil proceedings, as well as state-funded healthcare.

However, courts have not always offered adequate protection; they have failed to provide Emergency Protection Orders in accordance with the timeline foreseen by the LPADV.<sup>40</sup> In March 2012, the Kosovo Judicial Council confronted municipal courts regarding delays. It encouraged rigorously in implementing the LPADV for timely rulings due to the urgency of such cases.<sup>41</sup> The decision requests courts to prioritize cases involving domestic violence acts, irrespective of the case backlog. It improves upon the Kosovo Judicial Council National Backlog Reduction Strategy, which did not prioritize domestic violence cases.<sup>42</sup>

Some judges still lack knowledge about the LPADV, which denies victims access to remedies.<sup>43</sup> For example, courts rarely request all possible measures available.<sup>44</sup> The LPADV foresees that courts can order the perpetrator to pay child

*"There are still judges and prosecutors who are not well acquainted with the Law on Domestic Violence. To tell you the truth there are people who don't know what the Kosovo Program on Domestic Violence is."*  
- UNDP representative

<sup>34</sup> KWN correspondence with Department of Forensic Medicine representative, June 2012.

<sup>35</sup> Kosovo Law on Forensic Medicine, Art. 14.2.

<sup>36</sup> LPADV, Art. 3.

<sup>37</sup> UN General Assembly, "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", A/RES/40/34, 29 November 1985, para 12; and CoE *Convention on Preventing and Combating Violence against Women and Domestic Violence*, 2011, Art. 30.

<sup>38</sup> CoE Convention, 2011, Art. 30.

<sup>39</sup> CoE Convention, 2011, Art. 30, para. 2.

<sup>40</sup> Committee on Human Rights, Gender Equality, Missing Persons and Petitions, *Report on Monitoring the Implementation of the Assembly Law on Protection against Domestic Violence*, 2012. The findings confirm KWN's prior research (*More than "Words on Paper"?*, 2008). In contrast, EULEX monitoring suggested that "most cases are completed within the timeframe envisaged by the law. Some are not, but this is more due to inadvertence and other factors than a lack of resources" (correspondence with KWN).

<sup>41</sup> KJC, Decision No. 22/2012, 58th meeting decision, March 2012.

<sup>42</sup> Ibid and KJC, *Kosovo Judicial Council National Backlog Reduction Strategy*, 11 November 2010.

<sup>43</sup> KWN interviews with judges, March-April 2012.

<sup>44</sup> See KWN, *More than "Words on Paper"?*, 2008.

alimony and rent to the victim for the duration of the protection order. Since most victims are economically dependent on their spouses or immediate families, they have limited opportunities for leaving violent homes. Court measures are important for furthering victims' economic security and their ability to live independently. However, KWN has not found any of these measures enforced in Kosovo.<sup>45</sup> CSWs and VAs also often fail to request alimony and rent payment when petitioning for a protection order. Thus, protection orders commonly consist of easy to implement measures such as restraining orders preventing perpetrators from approaching victims at home and work.

Courts have ordered the division of the household between the perpetrator and victim. However, some requested this measure without assessing potential risk to the victim. An EULEX respondent commented:

If domestic violence occurs, according to the Law, the court shall order the perpetrator to leave the house and pay alimony to the children. If this happens the woman and children are without funds for surviving, as the perpetrator does not pay. Until the execution procedure is initiated and completed, the victim does not have any money. The CSW offers support, but this money is insufficient for normal living. Often the husbands of domestic violence victims have several children from previous marriages and removing the perpetrator [husband] from the house is not a solution. In [one] case the perpetrator beat his wife, violating the protection order. The local judge detained him immediately, but the District Court deciding on the appeal released him. He returned back to his house, furious at his wife.<sup>46</sup>

Protection orders are important for empowering domestic violence victims by providing economic independence and freedom from violence. Courts need to make use of the diverse measures outlined in the LPADV.<sup>47</sup>

A few courts (e.g., Pejë/Peć and Prishtinë/Priština) have addressed the issues of delays and insufficient expertise in adjudicating domestic violence cases by appointing specialized judges. In Pejë/Peć the two judges' "good level of experience" enabled them to provide timely rulings and make "more detailed rulings to cater for the complexity of the parties' relationship rather than simply saying for example, 'X cannot go near Y for one month,'" EULEX reported.<sup>48</sup> Nominating experienced judges who deal solely with these cases seems worthy of replicating in other municipalities.

In criminal cases, effective prosecution contributes to protection and security for persons who have suffered domestic violence. The CCRK explicitly foresees *ex officio* (automatic) prosecution for crimes committed in a domestic relationship. The LPADV also requires *ex officio* prosecution for violations of protection orders. However, prosecutors continue to subjectively select cases for prosecution.<sup>49</sup> "If we as prosecutors think the criminal act was unacceptable, then we decide to take the case for consideration," a district prosecutor told KWN. He said they prioritized high risk cases or cases where the perpetrator had a criminal history.<sup>50</sup> Some prosecutors excused their failure to prosecute all alleged criminal acts by referring to the insufficient number of prosecutors and backlog of cases.

*"There are many domestic violence cases that are referred. Each day we have one or two cases of domestic violence. We process the cases of domestic violence with priority only if the perpetrator has a criminal record."*

- Prosecutor

<sup>45</sup> See KWN, *More than "Words on Paper"?*, 2008.

<sup>46</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>47</sup> KWN, *More than "Words on Paper"?*, 2008.

<sup>48</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>49</sup> KWN, *More than "Words on Paper"?*, 2008.

<sup>50</sup> KWN interview with District Prosecutor, 5 March 2012.

Among the municipalities KWN studied, Gjilan/Gnjilane showed the best track record in prioritizing domestic violence cases for prosecution. The municipality still faced numerous issues. For example, there were fewer prosecutors than judges.

Despite the requirement to prosecute all crimes *ex officio*, judges and prosecutors terminated some cases when victims withdrew; they also continued to see their role in domestic violence disputes as reconciliatory.<sup>51</sup> A municipal prosecutor told KWN:

*"[In a] sensitive, recidivist case of domestic violence last year, the victim came to the police and stated that she was burned with hot water by her husband. Later she changed her statement, saying that he burned her accidentally. She wanted a divorce. She insisted that the hearing for divorce be set immediately in the court. I worked with the judge to have the hearing set ... but by that time she withdrew her request for divorce."*

– Victim Advocate

We are not interested in dissolving a marriage because the victim was slapped once. With one wrong decision we can break up a family. We need to justify why we stop the violator and make him leave the domestic violence scene. If there is a high risk of violence if he remains home, we can request pre-detention up to 30 days. Usually during this period we prove the facts by calling witnesses. Sometimes victims withdraw their initial statement and don't want prosecution. While couples might reconcile, courts always rule on the case ... Usually the sentencing involves conditions [not prison].<sup>52</sup>

Based on the Family Law of Kosovo, judges and prosecutors often work to terminate cases with legal agreements between spouses.<sup>53</sup> However, ***the Family Law explicitly states that any ill-treatment or violence against spouses and children should be an excluding factor for reconciliation.***<sup>54</sup> As EULEX observed,

*"The woman was beaten and almost killed, and the judge continued to try to convince her to reunite with her husband. The judge said, 'It is by law that we have to try to reconcile families.'"*

- Expert

reconciliation "can have serious negative effects, like sending the victim back into an environment where she may be at risk. It further diminishes all the efforts made by the victim to denounce violence."<sup>55</sup> The Office of the State Prosecutor should require effective and timely prosecution of all cases. Mitigating the consequences of domestic violence acts by analysing the damage caused to the victim violates international human rights standards.<sup>56</sup>

Courts also continue to fail in providing protection when the crime of light bodily harm occurs in a domestic relationship.<sup>57</sup> EULEX reported:

Courts tend to impose very lenient sentences, often overlooking the aggravating circumstance of the offence having been committed in a domestic relationship. [H]earings are often postponed and there is a general passive case management that goes against the sensitive and urgent nature of these cases. Furthermore, problems have been observed in the way the evidential procedure is carried out, often very

<sup>51</sup> KWN, *More than "Words on Paper"?* and EULEX monitoring (KWN correspondence, 4 May 2012). With regard to judges, see also, OSCE Mission in Kosovo, *Adjudication of Petitions for Protection Orders in Domestic Violence Cases in Kosovo*, 2012, pp. 20-2.

<sup>52</sup> KWN interview with prosecutor, 2012.

<sup>53</sup> Family Law of Kosovo, Nr. 2004/32, 2006, Art. 77. KWN interviews with municipal court and KJI trainer, 2012.

<sup>54</sup> Family Law of Kosovo, Art. 59, para. 4.

<sup>55</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>56</sup> The CoE Convention requests that states "ensure the effective investigation and prosecution of offences" (Chapter VI). See Chapter 1 as to why this is relevant for Kosovo.

<sup>57</sup> See KWN, *More than "Words on Paper"?*, 2008.

superficially. This ultimately negatively affects the adjudication of the case, which is particularly worrying in a case of domestic violence.<sup>58</sup>

EULEX judges also observed that local courts face a sizeable caseload and lack sufficient resources, including appropriate facilities to provide protection to parties when needed. This is particularly true in Mitrovicë/Mitrovica district; two courts do not function there. Thus, the municipal and district courts of Vushtrri/Vučitrn and Mitrovicë/Mitrovica are in the same facility. Judges share offices and exercise their judicial duties only certain days of the week. This reduces the number of cases that can be adjudicated, slowing the district's response to domestic violence. The dire situation has led EULEX to use its executive competencies, taking over five cases involving domestic violence.<sup>59</sup>

*"The building is stuck in North Mitrovicë. We have only one 12-squaremetre office where six employees work. There are only two prosecutors: the head prosecutor and me. This logistical challenge prevents us from dealing with cases. When we need to interview parties, all other employees must vacate the office. [We also have] cases from before 2008 that are stuck in the office in North Mitrovicë."*

- Prosecutor

Persons living in Dragash/Dragaš also lacked access to justice due to the municipality's geographic location, which is far from prosecutors and courts. No institution had a clear mandate to cover costs for transporting victims to the nearest municipality of Prizren for court hearings. Prizren also lacked sufficient resources and facilities.<sup>60</sup>

Ensuring adequate training for prosecutors and judges on domestic violence legislation, as foreseen by the PADVAP, also involves costs.<sup>61</sup> KJI offers ad-hoc training for prosecutors, judges and VAs, but it is not mandatory and typically occurs once or twice a year.<sup>62</sup> In 2011, KJI spent €180 on domestic violence-related training.<sup>63</sup> CLARD organized two trainings for 28 judges and two others on international standards against domestic violence (€2,500). Additionally, UN Women trained 35 KJI trainers on gender equality and women's human rights per international legislation, including domestic violence. Then, 18 of them delivered trainings in Kosovo's five regions (€17,000).<sup>64</sup>

In 2012-2013 UN Women plans to support KJI in developing advanced training for judges on domestic violence, property rights and international women's human rights instruments.<sup>65</sup> UN Women-supported curricula tend to be incorporated into KJI's regular curricula for new judges, and judges train other judges and prosecutors throughout Kosovo (€13,000). In 2012, UNDP WSSI also planned to train 30 judges, 30 prosecutors and 40 VAs on LPADV (€9,685). Additionally, PILPG considered providing input on the training curricula for judges and prosecutors specializing in domestic violence.<sup>66</sup> In the future, judges and prosecutors may also benefit from training specifically on proceedings involving domestic violence against children.<sup>67</sup> KJI should institutionalize mandatory training and seek to minimize reliance on donor funding.

The Office of the State Prosecutor set aside €4,500 for all training. However, in some areas prosecutors had not received any training on domestic violence and tended to

<sup>58</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>59</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>60</sup> Ibid.

<sup>61</sup> PADVAP, SO 2.1.

<sup>62</sup> KWN interview with KJI representative, 7 February 2012.

<sup>63</sup> KWN correspondence with KJI representatives, 3 April and 5 June 2012. KJI trained 20 judges, no prosecutors and six others (including VAs).

<sup>64</sup> The training totalled eight days, with four in 2010 and four in 2011 (KWN interview with UN Women, 16 May 2012). This includes costs for publishing a catalogue, discussed in Chapter 3.

<sup>65</sup> KWN interview with UN Women, 23 March 2012.

<sup>66</sup> KWN interview with PILPG, 12 March 2012.

<sup>67</sup> KWN interview with UNICEF, 8 March 2012.

consider it a private matter.<sup>68</sup> The quality of training may also need to be reviewed. Some trainers may reaffirm rather than challenge existing tendencies to blame the victim. A trainer told KWN:

If the husband drinks every day and beats his wife, it is obvious that drinking alcohol causes violence. But when a wife wants to go meet her family and the man refuses because he is tired from working all day, then the woman continues to insist until the man strikes her... In this case, the wife needs to be blamed too, as she provoked the violence. I don't blame the victim but sometimes the victim provokes.

Excessive pressure may be considered psychological violence, but it does not give the husband the right to perpetrate violence. Insufficient training may be one factor contributing to the poor performance of public prosecutors and judges, observed by KWN.

Monitoring responses to domestic violence cases falls within the Kosovo Judicial Council's (KJC) responsibility to monitor courts' overall performance; ensure courts' independence and impartiality; and reflect gender equality standards.<sup>69</sup> It was unclear if KJC had sufficient resources for monitoring, though the quality of monitoring seemed insufficient based on the aforementioned violations of judges' legal responsibilities.

With regard to data collection, KJC files cases in registers according to the criminal and civil code. Domestic violence is not listed as a separate criminal act, but KJC records acts of light bodily harm that occur within a domestic relationship. Other crimes occurring within a domestic relationship are not recorded as such. Individual courts record data about perpetrators (not victims) in hard copy registers.<sup>70</sup> Without a centralized, digitalized database, a staff member would have to count the number of domestic violence cases treated in civil proceedings in each paper register. Such information has never been requested nor recorded in KJC reports.

KJC manages the budget of all courts. The average cost per case is approximately €181, and domestic violence-related expenditures cost courts approximately **€104,618** annually.<sup>71</sup> This estimate does not consider if domestic violence cases take more or less time than other cases, requiring more or less resources. The budget seems insufficient considering that courts lack adequate space, human resources, expertise and equipment for carrying out their legal responsibilities.

Like KJC, the Office of the State Prosecutor centrally manages the budget for prosecution-related expenses. The average cost per case is approximately €74, and roughly **€38,012** was spent prosecuting domestic violence cases in 2011.<sup>72</sup> Again, domestic violence cases could require more or less resources than other cases. Effective prosecution requires additional resources from police, CSWs, Legal Aid Offices and VAs who may take part in court proceedings. Like courts, the prosecution lacked sufficient resources for fulfilling its legal mandate. A crucial challenge is the insufficient number of prosecutors, and therefore

<sup>68</sup> KWN interviews with prosecutors, 2012.

<sup>69</sup> Law on Kosovo Judicial Council, art. 1 and 3.

<sup>70</sup> KWN interviews with judges, 2012.

<sup>71</sup> KJC's total budget in 2011, €17 million, covers all court-related costs. The Minor Offence Court, with a budget of €2 million, does not deal with domestic violence cases. These are treated at municipal and district courts that have a combined budget of €15 million. In 2011, they resolved 82,802 cases (some cases roll over to the next year incurring additional expenses); €15 million divided by 82,802 cases equals €181 per case. In 2011, KJC forgot to record domestic violence cases, so €181 was multiplied by the 578 domestic violence cases in 2010 (KWN interview with KJC Finance Officer, 2012). KJI covered additional training costs.

<sup>72</sup> The overall budget was €3,893,926 in 2011. Prosecutors solved 52,757 cases that year, including 515 domestic violence cases. The Statistical Office of Prosecutorial Services collects and records information.

assigning specific prosecutors to deal exclusively with domestic violence cases was considered undoable.<sup>73</sup> Prosecutors also have limited office space and technical equipment.

Additional institutions allocate resources related to justice and protection. The Ombudsperson Institution monitors domestic violence cases in courts and safeguards the rights of victims. This includes both the issuance of protection orders and *ex officio* prosecution. The Ombudsperson Institution mostly has monitored cases where courts surpassed the foreseen timeframe for providing protection orders.<sup>74</sup> The Institution's budget comes directly from the Kosovo budget. No employees work specifically on domestic violence cases; insufficient staff meant they could not specialize. "We are currently restricted to ten employees and cannot increase the number," a respondent said. "One employee here has the workload of two or three employees."<sup>75</sup>

OSCE also monitors the Kosovo judicial system for compliance with international human rights standards. Based on its monitoring, OSCE released *React Report: Emergency Protection Orders in Domestic Violence Cases* on 29 June 2011 and another report on the *Adjudication of petitions for protection orders in domestic violence cases in Kosovo* on 6 March 2012. The costs of monitoring could not be assessed.

The EULEX Justice Component also has the mandate to "mentor, monitor and advise" and "to improve and strengthen Kosovo's judiciary to make it fully multi-ethnic, impartial, free from political influence and capable of holding fair trials according to international standards and best European practices."<sup>76</sup> Overall, EULEX monitored at least 114 cases related to domestic violence, though the exact number was difficult to assess. The EULEX budget for monitoring domestic violence cases was unavailable.

In conclusion, timely court decisions on protection orders in civil cases and *ex officio* prosecution of crimes in criminal proceedings are crucial for protecting victims from future crimes. Yet, victims' rights continue to be violated by both prosecutors and judges. Resource shortages, namely insufficient judges, prosecutors and courtrooms, impacted the case backlog. Inadequate training, which also has financial implications, potentially contributed to prosecutors' and judges' poor performance. Better electronic data management also was needed; this could facilitate costing exercises and enable improved budget planning.

### **Victim Advocates: Safeguarding Rights**

Since 2002, Kosovo has had a Victim Advocacy and Assistance Unit staffed by victim advocates (VAs), initially under UNMIK.<sup>77</sup> In 2003, VAs were incorporated in the Kosovo Criminal Procedure Code as authorized representatives of the injured party.<sup>78</sup> In 2005, VAs were transferred under the management of MoJ and renamed the Victims Advocacy and Assistance Division (VAAD). Their role is to protect and represent the rights of victims of crime, including victims of gender-based violence, before and during trials. They are also the authorized representatives of victims in their first contact with institutions, such as CSWs or police, and can petition for a protection order.<sup>79</sup>

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<sup>73</sup> KWN interview with Office of the State Prosecutor representatives, 3 April 2012. Kosovo had roughly 95 prosecutors and planned for this to increase to 114 by the end of June 2012.

<sup>74</sup> KWN interview with an Ombudsperson Institution representative, 31 January 2012.

<sup>75</sup> Ibid. They could not provide the number of cases assisted in 2011, so KWN could not estimate their budget for domestic violence cases.

<sup>76</sup> The EULEX Justice Component has approximately 420 employees, including roughly 70 working in the prison system, more than 50 judges and around 30 prosecutors (EULEX website, "EULEX Kosovo Justice Component," at: <http://www.eulex-kosovo.eu/en/justice>, accessed 22 July 2012).

<sup>77</sup> KWN, *More than "Words on Paper"?*, 2008.

<sup>78</sup> Provisional Criminal Code of Kosovo, Art. 81, para. 4.

<sup>79</sup> According to LPADV, Art. 24, para. 3.3, police inform victims about their legal rights, including services offered by governmental agencies like VAs. A respondent recommended clarifying VAs' roles and responsibilities in sub-legal acts. The recommended SOPs for domestic violence could regulate their roles, responsibilities and coordination.

In September 2011, MoJ signed an MoU transferring all VA responsibilities to the Office of the State Prosecutor and establishing the Victims Advocacy and Assistance Office (VAAO) there.<sup>80</sup> The VAAO must uphold VAs' mandate under the Criminal Procedure Code. The transfer also will support the fulfilment of the mandate of the State Prosecutor according to the new Kosovo Law on the State Prosecutor, to be enacted in January 2013.<sup>81</sup> This Law requires the State Prosecutor to ensure that the legal rights of victims, witnesses, suspects and accused persons are protected during the prosecutorial phase. However, the new MoU only refers to roles and responsibilities related to victims of trafficking. This inhibits VAs from protecting and representing victims of other crimes, including domestic violence, and should be amended by MoJ and the State Prosecutor in accordance with the roles and responsibilities of VAs foreseen by the Criminal Procedure Code. The increased role of the State Prosecutor in protecting the legal rights of victims and other parties to criminal proceedings also should be reflected in the PADVAP.<sup>82</sup>

MoJ continues to fund VAs' salaries and other administrative costs.<sup>83</sup> In June 2012, the State Prosecutor should take over this responsibility, and this should be reflected as a separate budget line in the Kosovo Budget.<sup>84</sup> Confusion surrounded this process and officials expressed frustration that "the memoranda seem to have been drafted in an illiterate manner. Neither the mandate, nor the budget has been clearly specified."<sup>85</sup> In 2011, the budget for all VA activities, including domestic violence and trafficking, totalled approximately **€143,103**, averaging €161 per case.<sup>86</sup>

At present, there are 20 VAs.<sup>87</sup> Not all municipalities are covered; the institution did not believe VAAO was under-staffed, though VAs complained of being overworked. VAs also reported risks from perpetrators: "I was attacked by the perpetrator, who abused his wife sexually, after he was released from prison, seven years later." VAs face high risk situations, in which they must protect not only the victim, but themselves. However, neither physical risk nor extra hours worked "on-call" are reflected adequately in their pay (€304 per month). This violates Kosovo's Labour Law, which states that overtime must be paid.<sup>88</sup> Further, like police, VAs reported using their own money to assist victims because no budget line existed.

*"There are cases when I offer victims food and coffee from my personal budget. There was a case where I offered the office to a victim to stay for hours." - VA*

VAs have mobile phones and vehicles to facilitate victims' timely travel to assistance sites. However, a limited budget means that older cars remain in use.<sup>89</sup> During this research, the vehicle for Mitrovicë/Mitrovica region was being repaired. This prevented the VA from attending court proceedings and caused delays. Although VAs could use public transportation or their personal vehicles, such expenses

<sup>80</sup> MoJ and KWN correspondence, 24 February 2012. The other MoU transferred the only government-run shelter, the Internal Security Facility for high risk trafficking victims, to MLSW.

<sup>81</sup> Kosovo Law on the State Prosecutor, No. 03/L-225, 2010, Art. 7, para. 1.5. Also under Art. 8 the State Prosecutor should ensure prevention activities in cooperation with other state institutions and public and private organizations to educate society on the law and prevention of crimes.

<sup>82</sup> According to the Kosovo Law on the State Prosecutor, the State Prosecutor should ensure the protection of the legal rights of victims, among other parties (Art. 7, para. 1.5).

<sup>83</sup> KWN interview with VA, 16 January 2012.

<sup>84</sup> KWN interview with representative of the Office of the State Prosecutor, 3 April 2012.

<sup>85</sup> KWN interviews with VA representatives, 16 January 2012.

<sup>86</sup> This includes all VA costs, but does not include grants provided to shelters. VAs did not assist only domestic violence victims, but they comprised the vast majority of VAs' cases.

<sup>87</sup> There are 14 regional VA offices and a helpline office. Staff include a manager for drafting and implementing policies related to victim protection; a coordinator who supervises VAs' work; an operational officer who also manages the budget; an executive assistant to the manager; and 20 VAs, including three who run the helpline. The manager records the number of cases assisted.

<sup>88</sup> Kosovo Law on Labour, No. 3/L-212, art. 23 and 56.

<sup>89</sup> The VAAO has seven cars and requested two vehicles, but the MoJ Department for Budget and Finance refused the request. The current vehicles were purchased in 2003. Following accounting rules, they should be depreciated and no longer used after 2010.

cannot be reimbursed. Transport is also an issue in Dragash/Dragaš, so VAs tend to communicate over the phone, which likely impacts the quality of services provided.<sup>90</sup>

Coordination among institutions potentially contributed to efficient resource use and improved service quality, though coordination varied depending on the municipality. For example, in Mitrovicë/Mitrovica, the VA and DVIU are located in the police station, which facilitates communication and resource-sharing. In Gjilan/Gnjilane, VAs are located in the shelter, similarly contributing to coordination. In contrast, Dragash/Dragaš faces coordination challenges with VAs located far away in Prizren. Sharing office spaces may facilitate improved response while saving state resources.

Overall, the budget seems inadequate for VAs to carry out their legal responsibilities. VAs said they lacked sufficient staff, office space, printers, resources for fulfilling victims' emergency needs, vehicles, fuel and maintenance costs.<sup>91</sup> Insecurity because of threats from perpetrators, low wages and unpaid overtime contributed to staff turnover. As a result, additional human and financial resources were required for training new staff.

VAs receive on-the-job training for three months and work under colleagues' supervision for six months. VAs possess university degrees in law, and some have attended training on domestic violence. Even so, VAs often lack knowledge about and/or exceed their roles and responsibilities.<sup>92</sup> EULEX reported that VAs "are not always at the appropriate professional level or able to properly represent the rights of victims."<sup>93</sup>

Since VAs' transfer to the State Prosecutor, no training has been delivered on domestic violence. VAs welcomed additional training on their relevant roles and responsibilities. In 2012, OSCE will train all VAs on their role in compliance with international human rights standards. OPDAT also planned to provide "expertise and training for VAs in appropriate legal and psychological measures to support victims of gender-based violence," though the timeframe and amount of funding had yet to be determined.<sup>94</sup>

### **Legal Aid Commission: Protecting Victims, Facilitating Prosecution**

In February 2012, the Kosovo Assembly adopted the new Law on Free Legal Aid, largely based on the previous UNMIK Regulation.<sup>95</sup> The Legal Aid Council sets the rules and procedures for offering assistance.<sup>96</sup> It also oversees the work of the Agency for Free Legal Aid.<sup>97</sup> Ten Legal Aid Offices (LAOs) provide free and ensure fair legal representation of vulnerable groups.<sup>98</sup> The Commission has 21 staff who draft and distribute brochures on domestic violence and state aid for victims. The Commission hires lawyers from the Kosovo Chamber of Advocates and pays them a fee for each case.<sup>99</sup> If cases require representation in courts, legal aid covers court tariffs. Victims of violence qualify for easier application

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<sup>90</sup> All VAs are equipped with mobile telephones, and they receive €10 per month. An additional emergency phone rotates among "on-call" VAs in each region, with an additional €10 per month.

<sup>91</sup> KWN interview with Training Head for VAs, Office of the State Prosecutor, 3 April 2012.

<sup>92</sup> KWN interviews with diverse officials, 2012.

<sup>93</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>94</sup> KWN correspondence with Victim/Witness Advocacy Program Manager, 14 March 2012.

<sup>95</sup> Law on Free Legal Aid, Law Nr. 04/L-017, 2012. UNMIK, Regulation on Legal Aid, 2006/36, 2006. Legal Aid Commission representatives were concerned that "the working group was comprised of people who knew nothing about legal aid. Many institutions that are very important to legal aid work were not invited. Police, VAs, lawyers, prosecutors, CSWs and civil society were completely absent in this process" (KWN interview, 13 January 2012). This may have impacted the quality of the new Law as well as stakeholders' ownership in its implementation. Commission representatives did not mention any issues with the new Law.

<sup>96</sup> Law on Free Legal Aid, Chapter IV.

<sup>97</sup> Ibid, Chapter V.

<sup>98</sup> Ibid, Art. 22.

<sup>99</sup> Not all cases receive legal aid from a contracted advocate; lawyers who are employees of the Commission take some cases.

procedures for legal aid.<sup>100</sup> To prove their status as victims, a written statement from VAs is sufficient. LAOs seem to prioritize domestic violence cases.<sup>101</sup>

The Commission has not provided training on domestic violence, and some staff lacked expertise.<sup>102</sup> In 2012, UNDP planned seminars to introduce the LPADV and PADVAP to LAOs and the Kosovo Chamber of Advocates in UNKT's targeted municipalities (€2,790). The Commission needs to institutionalize training for future officers and advocates.

Legal aid is funded by Kosovo Assembly annual budget allocations. Insufficient information on the number of lawyers contracted, type of legal service provided and number of times cases used court rooms meant that the Commission could not accurately estimate costs affiliated with domestic violence cases. Heeding these issues, an estimated **€6,126** was spent on domestic violence cases in 2011.<sup>103</sup>

Further, the Commission only funds five LAOs; the other five are funded by UNDP.<sup>104</sup> In 2011, roughly **€534** went towards domestic violence related cases.<sup>105</sup> In 2012-2013, UNDP planned €50,000 in financial and technical support for LAOs in Gjakovë/Đakovica and Dragash/Dragaš to "ensure free legal services for survivors of DV."<sup>106</sup> Support included salaries for a female and male lawyer in each office. UNDP also will support paralegal interventions under LAOs' supervision (€71,610). Lawyers and the Kosovo Chamber of Advocates will provide legal information to communities in targeted municipalities.

The present Commission budget is insufficient. A Commission representative commented:

The increased number of offices has increased the number of people who request legal aid and representation in courts. However, the [state] budget has remained the same. ... There are cases that fulfil all eligibility criteria for receiving legal aid, but due to budget constraints we are obliged to refuse them. But how can we? This would be a breach of human rights. ... We have asked for additional budget allocations, but unfortunately the government has refused.

The insufficient number of LAOs in too few locations is problematic since few people in Kosovo, particularly vulnerable groups, can afford to hire their own lawyers. Better data collection and costing practices could facilitate improved budgeting, enabling the Commission to utilize evidence in lobbying for sufficient funding.

Several NGOs and businesses have provided legal aid as well. For example, Medica Kosova in Gjakovë/Đakovica provides free legal aid to women who suffered domestic violence. Assisting one case cost approximately €500-1,500, and Medica spent approximately €25,000 per year.<sup>107</sup> In 2011-2012, PILPG contracted private law firm Sejdiu

<sup>100</sup> Law on Free Legal Aid, Chapter VII.

<sup>101</sup> KWN interviews with representatives of LAOs, 2012. The Commission has a database of domestic violence victims who received legal aid. From 2008 to 2011 they assisted 209 cases, including 180 women and 29 men; and 177 Kosovo Albanians, two Serbs, nine Bosnians, four Turks, six Ashkali, one Goran and ten Roma. The LAO in Prizren provided more legal aid than other offices, assisting 142 domestic violence cases.

<sup>102</sup> KWN interviews with diverse officials, 2012.

<sup>103</sup> This was calculated as the sum of 1) €142,370 total operational costs in 2011 minus €60,000 spent contracting lawyers; 2) €60,000 for contracting lawyers (goods and services); 3) €122,955 for all legal and administrative services (wages and salaries); and 4) €22,520 for goods and services. This was divided by 3,007 total cases assisted, then multiplied by 64 domestic violence cases.

<sup>104</sup> LAOs funded by the Commission are in Prishtinë/Priština, Prizren, Pejë/Peć, Mitrovicë/Mitrovica and Gjilan/Gnjilane. Donor-funded LAOs are in Prishtinë/Priština, Gjakovë/Đakovica, Graçanicë/Gračanica, Ferizaj/Uroševac and Dragash/Dragaš.

<sup>105</sup> UNDP provided roughly €231,660 for five LAOs and two mediation centres. This divided by 1,735 cases assisted and then multiplied by four domestic violence cases equals the amount spent.

<sup>106</sup> KWN correspondence with UNDP, 4 April and 9 July 2012. This was part of the UNKT GBV Program.

<sup>107</sup> This includes all staff, court, transportation and food expenses. Most cases involved at least eight court appearances. Medica successfully has requested lower court tariffs for social cases, assisting 33 cases in 2011.

and Qerkini to provide legal aid and undertake strategic litigation in collaboration with CLARD for a couple domestic violence cases.<sup>108</sup> Between 2010 and 2012, CLARD also assisted 223 domestic violence cases, costing approximately €8,000. Other NGOs like Norma (€16,000),<sup>109</sup> Ruka Ruci and shelters also provided legal aid, though precise expenditures were unavailable. How legal aid provided by NGOs will be sustained is unclear. Altogether, legal aid for domestic violence cases cost more than **€58,452** in 2011. This is inadequate for ensuring justice and protection for domestic violence victims as a vulnerable category.

UNDP also has funded mediation centres in Gjakovë/Đakovica and Ferizaj/Uroševac to address the backlog in court cases.<sup>110</sup> While the centres themselves do not have a legal mandate or receive government funding, mediation officers can be paid on a case by case basis.<sup>111</sup> NGOs also provide mediation services. Partners Kosova, for example, mediated three domestic violence cases in 2011, spending approximately €2,791.<sup>112</sup>

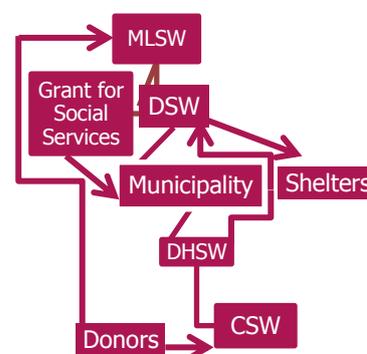
### Social Welfare Services: Protecting Victims, Particularly Children

The organizational structure of the social welfare system is somewhat complex. MLSW coordinates social protection, and its Department of Social Welfare (DSW) offers guidance at the policy level.<sup>113</sup> DSW has a central office, regional directorates and CSWs in most municipalities.<sup>114</sup> As Graph 8 illustrates, the municipal Directorates of Health and Social Work (DHSW) administer CSWs' finances, though CSWs also report directly to DSW.<sup>115</sup> This confused CSWs, and their reporting responsibilities could be clarified within the legal framework.

MLSW is responsible for providing resources and professional standards for family and social services, including services offered by municipalities and private providers. The Ministry oversees the number of professional staff to be hired, determining how and who should provide services.<sup>116</sup> The Law on Social and Family Services foresaw that these functions would be regulated through protocols by 2005. However, protocols have yet to be approved and implemented. This has implications for shelters as service-providers, as well as the assistance social workers provide to domestic violence victims. MLSW must urgently certify and license all social workers. MLSW also has not budgeted for establishing policies related to the LPADV or training social workers on their content.<sup>117</sup>

The Law on Social and Family Services establishes protection responsibilities for MLSW. Persons and families in need are defined to include domestic violence victims.<sup>118</sup> They are entitled to social protection provided by CSWs, including social assistance,

**Graph 8. Reporting and Financing for Social Services**



<sup>108</sup> KWN interview with PILPG representative, Prishtinë/Priština, 12 March 2012.

<sup>109</sup> Norma assisted 20 domestic violence cases in 2011, out of 125 total cases. Their overall annual budget was about €100,000 and was expected to increase to €150,000 in 2012.

<sup>110</sup> USAID Systems for Enforcing Agreements and Decisions (SEAD) also funded mediation centres in Gjilan/Gnjilane and Peja/Peć, but these did not deal with domestic violence cases (KWN correspondence with representative, 29 July 2012).

<sup>111</sup> Kosovo Law on Mediation (Nr. 03/L-057): mediators are paid by the parties in mediation procedures. Mediators' fees are approved in a sub-legal act by MoJ.

<sup>112</sup> KWN correspondence with Partners Kosova, 20 July 2012.

<sup>113</sup> Under the Law on Social and Family Services, DSW gives proposals, suggestions and advice to the Ministry and government on the development of policies relating to social and family services (Art. 3, paragraph 3.2).

<sup>114</sup> They are being established in Graçanicë/Gračanica, Kllokot/Klokot and Ranillug/Ranilug municipalities.

<sup>115</sup> Kosovo Law on Local Self-Government, Nr. 03/L-040, Art. 17 and Section 10; and Kosovo Law on Health Nr. 2004/04. In Mitrovicë/Mitrovica, the CSW is under the Directorate of EU Integration and Social Welfare.

<sup>116</sup> Law on Social and Family Services, Art. 2.5.

<sup>117</sup> LPADV, Art. 7 and Art. 28. For more information, see Chapter 1.

<sup>118</sup> Law on Social and Family Services.

counselling and material assistance, subject to funding.<sup>119</sup> DSW is responsible for transferring government grants for social assistance (see Chapter 5).

CSWs have the primary responsibility for protecting children, including those who have experienced violence.<sup>120</sup> They should focus on the best interest of the child.<sup>121</sup> Social workers should manage case files and coordinate psychological support, food, shelter, education, financial support, healthcare and legal aid. As per the LPADV, social workers can petition for a protection order or an emergency protection order when children are domestic violence victims.<sup>122</sup> However, no record existed of social workers petitioning for protection orders.<sup>123</sup>

CSWs must protect the rights of children in cases of spousal divorce. Before a couple seeks divorce, the court requires a three-month period of reconciliation monitored by CSWs.<sup>124</sup> In practice, this legal requirement often interferes with delivering assistance and protection in domestic violence cases. The Family Law states that the social worker must

*"We always have problems with children. They do not have a mechanism to protect them, and they are in a ping pong position. They are moved from one parent to the other parent. Couples also use children as a means to pressure one another."*

- District Prosecutor

consider the living conditions of the children "and undertake all necessary measures to ensure education, security and financial maintenance, by making efforts to achieve agreement between the spouses in order to protect the children's interests."<sup>125</sup> Like judges and prosecutors, social workers seem to consider reconciling couples more important than protecting and defending the rights

of victims.<sup>126</sup> CSWs often consider men's financial position more important for child welfare than the absence of violence.<sup>127</sup>

Evidence suggests that CSWs often fail to protect the best interests of the child. In 2011 Kosovars were shocked when a domestic violence victim's former husband shot her in Prishtinë/Priština.<sup>128</sup> Since divorcing her violent husband, he had threatened her repeatedly. On 26 April 2011, she sought a protection order in the municipal court of Prishtinë/Priština. She stated in her petition that she feared for her life.<sup>129</sup> The court failed to issue an emergency protection order within the foreseen 24 hours.<sup>130</sup> When she was murdered 24 days later, the court still had not responded to her request. Her former husband remains the primary suspect still wanted by the Kosovo Police. Further, the victim's child remains under the care of the alleged murderer's immediate family. The father of the victim has not been allowed to see his granddaughter and has been seeking custody of the child.<sup>131</sup> The CSW has failed to act as the legal guardian of the child and continues to violate the victim's father's right to temporary custody. In another case, a respondent working closely with CSWs, told KWN:

<sup>119</sup> Ibid., art. 1.4 and 2.10.

<sup>120</sup> LPADV, Art. 13, para. 2.5.

<sup>121</sup> The Convention on the Rights of Child is applicable under the Constitution of the Republic of Kosovo (Art. 22). Also the Family Law of Kosovo (Art. 82) foresees that CSWs consider principally the best interest of the child when trying to reconcile couples applying for divorce.

<sup>122</sup> LPADV, Art. 13, para. 1.4.

<sup>123</sup> KWN email correspondence with DSW, April 2012.

<sup>124</sup> Family Law of Kosovo, Art. 83.

<sup>125</sup> Family Law of Kosovo, Art. 82.

<sup>126</sup> Ibid. Also OSCE, *Adjudication of Petitions for Protection Orders in Domestic Violence Cases in Kosovo*.

<sup>127</sup> KWN, *More than "Words on Paper"?*, p. 61 and *Security Begins at Home*, p. 86.

<sup>128</sup> KWN organized a protest seeking justice for the victim's family. On 20 May 2011, 638 signatures were collected, and KWN sent a letter to KJC on 1 June 2012.

<sup>129</sup> OSCE Mission in Kosovo, *React Report: Emergency Protection Orders in Domestic Violence Cases*.

<sup>130</sup> LPADV, Art. 16(1).

<sup>131</sup> *Kosova Sot* daily newspaper, "Lack of response by the Municipal Court of Prishtinë brought the cruel murder of Diana: parents of the murdered Diana Kastrati, appeal to the Constitutional Court of Kosovo," 17 April 2012.

Two very young girls were trafficked by their father [and] raped by their father's friends. ... The prosecution and police were ready to open a file, start the investigation and put these criminals in jail [but] the CSW blocked the process. They didn't want to remove parental custody from the father because they live in a town where everybody knows everybody, and the girls' father had a good family reputation. ... We were obliged to sign an official paper and present it to the prosecution to start the investigation. The judge condemned the guys to two or three years in jail, not for rape, but sexual relations with minors.<sup>132</sup>

Maintaining the man's family image took precedence over protecting the children. In these cases, CSWs failed to conduct detailed analyses of the living conditions and development opportunities for children in these violent homes, as per their responsibilities.

Evidence suggests that CSWs' case management has been poor in general.<sup>133</sup> For example, some case managers do not officially open case files because this would involve extra administrative work.<sup>134</sup> Further, EULEX reported that "social workers who according to the law take part in judicial proceedings are not active; they very rarely submit opinions to the judge, and often they do not appear before the judge even when regularly summoned. This is a reason for adjourning sessions."<sup>135</sup> Police reported issues with CSWs not working at night or turning off their official phones when on-call.<sup>136</sup> Poor performance hampered coordination in protecting children.

Insufficient data management systems further hindered case management. The present database lacks information (e.g., first time or recurrent violence, victims' living conditions, social status or household income). The DSW needs an integrated data collection system and plans to establish it.<sup>137</sup> The system would allow all CSWs to enter data directly, which could further coordination and improve case management. The budgetary implications for this have yet to be assessed.

Better case management practices exist in municipalities where NGO *Terre des Hommes* has established coordination groups to assist cases involving children. Funded by UNICEF and the EU, *Terre des Hommes* has been working to strengthen CSWs' child protection units (CPUs) with specialized social workers and Task Forces as coordination mechanisms in child protection cases.<sup>138</sup> Task Forces include representatives from the local authorities, CSWs, police, education system, probation services, shelter and anti-trafficking agencies. There are eight functional CPUs, and Task Forces exist in six municipalities.<sup>139</sup> CPU-led task forces meet monthly (and coordinate with family members) to discuss and make decisions for children in need of social protection. Based on decisions taken by the Task Force, the responsible social worker creates an action plan for each child. They can officially request social assistance for implementing plans from *Terre des Hommes*.

Task Forces assisted 388 children in 2011, including 96 domestic violence cases, costing approximately **€63,250** (an average of €648 per case). The program only reached approximately half of the cases in Kosovo. Many municipalities do not have Task Forces, and

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<sup>132</sup> KWN interview, March 2012.

<sup>133</sup> KWN interviews with diverse officials, 2012.

<sup>134</sup> KWN interview with official, DSW, 2012.

<sup>135</sup> KWN correspondence with EULEX, 4 May 2012.

<sup>136</sup> KWN interview with Kosovo Police DVIU, 18 January 2012.

<sup>137</sup> KWN interview with DSW, 26 January 2012.

<sup>138</sup> UNICEF supported preventing and protecting children from all kinds of violence, exploitation, abuse and neglect, as well as preventing juvenile delinquency (€38,020 in 2011 and €73,560 in 2012). Support also targets reintegration and service development (KWN correspondence with UNICEF, 13 June 2012).

<sup>139</sup> KWN interview with *Terre des Hommes* representative, 19 March 2012. Task Forces are in Prishtinë/Priština, Peja/Peć, Gjakovë/Đakovica, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje and Mitrovicë/Mitrovica. Three CPUs function in Prishtinë/Priština, one in Ferizaj/Uroševac, Peja/Peć, Mitrovicë/Mitrovica, Gjakovë/Đakovica and Fushë Kosovë/Kosovo Polje, respectively.

some have more cases than they can handle. Further, the program was ending in 2012 and had yet to secure state funding. *Terre des Hommes* is advocating for institutionalizing Task Forces within the legal framework. This remains “a real challenge,” according to UNICEF:

With domestic violence and trafficking issues, it would be the same people in the same Task Forces. ... Ideally you would have specialised social workers dealing with different categories of children. But that’s unlikely. How we will do it needs to be discussed. I don’t think other agencies are discussing this issue from a holistic and multi-sectoral perspective. They have their respective mandates: “we want to set up this task force for women” or “this task force for domestic violence.” Then you have task forces on child labour and task forces on child protection. They’re the same professionals who sit in the task force on domestic violence, dealing with adult victims, as well.<sup>140</sup>

Discussions are needed among actors and across focal issues, particularly in designing SOPs (see Chapter 6). While separate plans for service provision are necessary for different categories, SOPs must recognize that the same person may travel through multiple policy programs, towards efficiency and decreasing the risk of re-victimizing people.<sup>141</sup> UNICEF also emphasized the need to develop, strengthen and specialize legislation on child protection; to develop separate protocols for protecting adults and children who have suffered domestic violence; and to further coach and support CPUs, including strengthening the role of school psychologists, as well as holding regular meeting with parents, school directors and pedagogues.

The Social Policy Institute within MLSW is responsible for training social workers, based on their requests. In 2013, MLSW plans to establish the Social and Family Service Council, an independent institution responsible for training and licensing social workers and service providers, like NGO shelters. The Council will have a budget independent from the Ministry’s. To date, the Institute has not provided any training on domestic violence. MLSW must cost and budget for training.

International organizations have offered such training for social workers. In 2006, the OSCE Mission in Kosovo produced a *Manual on Responding to Incidents of Domestic Violence* that lays out the procedures to be followed by MLSW, DSW and CSWs in domestic violence cases. Training was provided in the first months after the manual’s release. In 2011, MLSW did not train social workers on the manual.<sup>142</sup> International organizations planned to provide training in 2012-2013.<sup>143</sup> MLSW needs to allocate funding to institutionalize sustainable training for social workers. They must be trained to ensure a sensitive approach towards domestic violence victims and to better protect the best interests of the child, not only economically but in terms of their overall wellbeing in a life free from violence.

In terms of financing, a recent report suggested that administrative costs related to social services for domestic violence victims is approximately €35.47 per case.<sup>144</sup> KWN

<sup>140</sup> KWN interview with UNICEF, 8 March 2012. In 2011-2012, UNICEF carried out a Child Protection system assessment that resulted in a Priority Action Plan for strengthening the system. As a result, the Prime Minister’s Office established a multi-sectoral Child Protection and Justice for Children Council. The Council will focus on defining the priorities and the necessary measures to improve current child protection and justice services.

<sup>141</sup> Ibid.

<sup>142</sup> KWN interviews with social workers, 2012.

<sup>143</sup> OSCE is training social workers, NGO representatives and shelters in each region on their roles in assisting domestic violence victims. Following a needs assessment, UNICEF also plans to provide advanced training to social service providers at CSWs in UNKT-targeted municipalities (€46,500 in 2012-2013) (KWN interview with UNICEF, 8 March 2012).

<sup>144</sup> See S. Kutishi, and L. Joshua, *Economic Assessment of Social Services in Kosovo: Unit Costs for Social Services*, Prishtinë/Priština: DFID, 2011. When multiplied by the number of domestic violence cases DSW reported assisting in 2011 (226), this totals €8,016 per year: much less than KWN’s estimated costs for staff wages and salaries alone.

estimates that assisting a domestic violence case costs about €600 per year,<sup>145</sup> and CSWs spend more than **€135,720** on domestic violence cases annually.<sup>146</sup>

MLSW, jointly with MoF, decides on annual funding allocations to CSWs. Municipalities cover CSWs' administrative costs, while general grants from the central level fund programmatic costs. Municipal directorates' funding tended to be limited by ministerial approval, and municipal finance departments struggled to advocate for additional government resources.<sup>147</sup> Consequently CSWs struggle with limited financial resources to support clients, including domestic violence victims.<sup>148</sup>

CSWs reported lacking adequate resources for victims' emergency needs (e.g., food, clothes), communications, computers, printers and photocopiers. CSWs also seem to lack sufficient staff for carrying out their legal responsibilities. "For example in Pejë, for two years they have had only three social workers rather than the five foreseen," a respondent told KWN. "These three social workers deal with around 285 cases per month. They don't have time to do family visits."<sup>149</sup> Insufficient human resources impact CSWs' ability to ensure protection for children, while undermining opportunities for CSWs to prevent violence through family counselling. Allocating sufficient human resources should be seen as an investment in preventing domestic violence and thus future costs to the state.

*"In Kosovo there is limited public accountability and commitment to funding social welfare services, especially in terms of preventing and protecting children from different forms of violence, neglect, and abuse, including domestic violence."*  
- UNICEF

### Shelters: Protecting Victims

Judges' hesitancy to apply measures for removing perpetrators from shared residences often forces victims to leave their homes or allows perpetrators to remove victims for "disobedience."<sup>150</sup> Shelters offer crucial temporary protection. While the government has a responsibility to protect victims, all but one shelter are operated by NGOs.<sup>151</sup> MLSW through DSW drafts regulations, guidance and standards for social service providers, including shelters. However, MLSW has yet to establish licensing procedures, including procedures for monitoring NGO expenditures as foreseen by the Law on Social and Family Services.<sup>152</sup> DSW officials said MLSW is drafting these procedures and intends to license NGO staff, as well.<sup>153</sup>

Kosovo has ten shelters assisting domestic violence victims in seven municipalities.<sup>154</sup> In 2007, most shelters formed and later registered a coalition to advocate for sufficient funding and to coordinate their work. While shelters primarily assist women, most also

<sup>145</sup> Calculated as staff costs divided by the number of cases (226). This may be an overestimate because CSWs may not record all cases; however, *Terre des Hommes'* expenditures per case are similar.

<sup>146</sup> At DSW's central office, one person contributes 100% of her/his time to domestic violence, another 50% and a third 20%, totalling 1.7 staff members. At CSWs 36 people work primarily on these cases. On average, staff make €3,600 per year. This multiplied by 1.7 plus 36 people equals expenditures on wages and salaries for addressing domestic violence. This does not include other costs such as operational expenses (KWN interview with DSW representatives, 26 January 2012).

<sup>147</sup> For further discussion, see Chapter 2.

<sup>148</sup> KWN correspondence with UNICEF, 16 April 2012.

<sup>149</sup> KWN interview, March 2012.

<sup>150</sup> See KWN, *More than "Words on Paper"?*

<sup>151</sup> The Internal Security Facility is only for high risk trafficking victims, now run by MLSW.

<sup>152</sup> Law on Social and Family Services, Art. 8.3. The Kosovo Assembly is currently revising this Law (KWN interview with member of the Assembly Committee on Human Rights, Gender Equality, Missing Persons, and Petitions, 23 March 2012).

<sup>153</sup> KWN interview with DSW representative, 26 January 2012.

<sup>154</sup> KWN included PVPT, a shelter for trafficking victims, because trafficked individuals often have experienced domestic violence. The LPADV also defines "domestic" broadly to include co-habitation, and trafficking victims arguably suffer a form of domestic violence once trafficked. Funding for shelters to support trafficking victims and potential trafficking victims also is included here.

house victims' children up to age 12 for boys and 18 for girls.<sup>155</sup> Following CSW referral, Hope and Homes for Children (HHC) and SOS Kinderdorf only house children, ages three to 18, including domestic violence victims who cannot reside in other shelters due to age or lack of space.<sup>156</sup>

Shelter services include secure accommodation, clothes, food, basic healthcare, psychological counselling, family counselling, legal assistance, education, vocational training and basic reintegration services (see Chapter 5). Although shelters have security systems, representatives expressed concern about the level of security.<sup>157</sup> Shelters also could strengthen services for children, especially access to education.<sup>158</sup>

In 2009-2010 IOM provided training in case management for shelter staff, which focused on trafficking but benefitted staff's general knowledge. Shelters now use similar case management documents for trafficking and domestic violence. Shelters may use these as case management forms, which MLSW may require of licensed service-providers in the future.

In case files, shelters maintain disaggregated information about victims' gender, ethnicity, age, geographic location and religion. Cases are recorded separately at different shelters, and databases are not shared. As some clients reach the maximum length of stay at one shelter (typically six months), they are moved to another shelter where they are logged as new cases for that shelter. Thus, the total number of "cases" assisted by shelters is not equivalent to the number of persons assisted. Bearing this in mind, Table 7 includes the clients assisted by each shelter between 2000 and 2011. There have been initiatives to install a shared data collection system for shelters, but shelters continue to use their own, uncoordinated data entry systems.<sup>160</sup> Some shelter staff said they found more comprehensive data collection systems "too time consuming" or "too complicated," despite the training they received on their use. Insufficient human resources and capacities obstructed adequate data maintenance.

**Table 7. DV Cases Assisted by Shelters, 2000-2011**<sup>159</sup>

Shelter	Total
Centre for Protection of Women and Children (Prishtinë/Priština and Mitrovicë/Mitrovica)	838
Women's Wellness Centre (Pejë/Peć)	821
Safe House (Gjakovë/Đakovica)	725
Centre for Sheltering Women and Children in Prizren	393
Hope and Homes for Children (Prishtinë/Priština)	1,173
Liria (Gjilan/Gnjilane)	838
<b>Total</b>	<b>4,788</b>

Most shelters have received partial funding from MLSW through DSW since 2006 (€15,000 to €21,000 per shelter, totalling €128,000 per year). MLSW does not fund the new informal shelter run by Kosovo Serb women.<sup>161</sup> Funds are supposed to cover half of all expenses for basic services. MLSW does not support shelter staff salaries, crucial for the functioning of shelters. Additionally, MoJ through the VA budget provided shelters in Mitrovicë/Mitrovica, Prishtinë/Priština and Gjilan/Gnjilane with €4,500 each for expenses other than wages and salaries, totalling €13,500 in 2011.

<sup>155</sup> KWN correspondence with shelters. Shelters may be flexible with the age limit for boys depending on their level of development.

<sup>156</sup> KWN interview with HHC representative, 24 January 2012. HHC does not accept children perceived as high risk because of the open nature of the shelter. HHC has more capacity than other shelters, and receives 75% of its funding from MLSW (€21,000). Information about SOS funding was unavailable.

<sup>157</sup> KWN interview with shelter representatives, 25 July 2012. Risk assessments conducted by police could enable shelters to better plan for the security of clients.

<sup>158</sup> KWN correspondence with UNICEF, 16 April 2012. See Chapter 5 for further information.

<sup>159</sup> Shelters opened in different years. The numbers include all family members sheltered, including children. The table does not include PVPT, SOS Kinderdorf or the new shelter run by Kosovo Serb women.

<sup>160</sup> Funded by UNFPA, KWN collaborated with shelters to develop professional software for case management.

<sup>161</sup> OPDAT planned to support the creation of a shelter in an underserved area, focusing on gender-based violence among minorities. However, the budget and timeframe were undecided (KWN correspondence, 14 March 2012).

Municipalities provide financial and other support to shelters,<sup>162</sup> primarily based on the decision (and will) of the mayor. In Gjilan/Gnjilane, the municipality provided the shelter with a public building for the next 99 years and pays the shelter's expenses such as electricity and water (€10,000 annually). The shelter in Prishtinë/Priština uses municipal land free of charge. In Gjakovë/Đakovica and Prizren, municipalities provided local shelters with €5,000 and €4,800, respectively, for utilities in 2011. With IOM support, the Prizren shelter signed a contract for use of municipal public property for an undefined period starting in 2011, and the Royal Embassy of the Netherlands funded the building's renovation. The Municipality of Mitrovicë/Mitrovica provided €3,000 in 2011 for utilities and planned to provide the shelter with a new building in 2012. In 2011, the Municipality of Pejë/Peć provided land and €75,000 to the Women's Wellness Centre to build a new shelter. Notably, ***only municipalities where shelters are located fund shelters***, though citizens from most municipalities used shelter services. For covering most of their costs, shelters rely substantially on donor support (see Table 8).

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<sup>162</sup> It was difficult to assess the cost of land, buildings and utilities because municipalities did not maintain clear records. These contributions are under-considered in the numbers provided here.

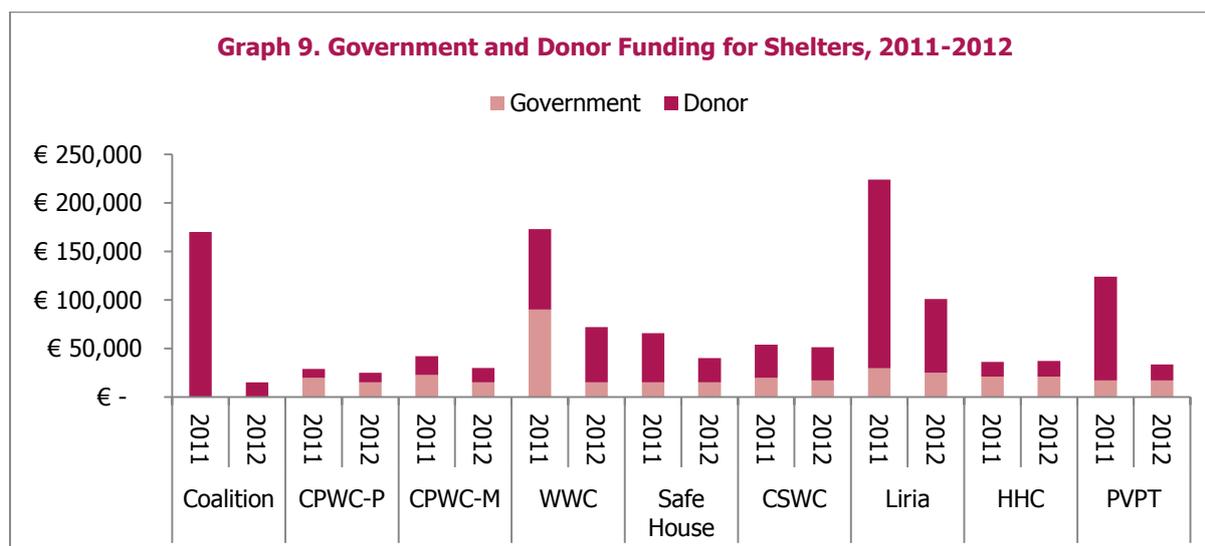
**Table 8. Sources of Funding for Shelters in Kosovo, 2011-2012**

Shelter	Year	MLSW	MoJ	Municipality	UNDP WSSI	KtK	Caritas	U.S. Embassy	Norwegian Embassy	ADA	CFD	IOM <sup>1</sup>	Dutch Embassy	Finnish Embassy	Total
Shelter Coalition	2011	-	-	-	-	-	-	-	-	-	-	€59,884	€110,000	-	€169,884
	2012	-	€20,000 <sup>2</sup>	-	-	-	-	-	-	-	-	€14,971	-	-	€34,971
CPWC (Prishtinë/Priština)	2011	€15,000	€4,500	Shelter	€20,000	-	-	-	-	-	-	€9,478	-	-	€28,978
	2012	€15,000	-	Shelter	€10,002	-	-	-	-	-	-	-	-	-	€25,000
CPWC (Mitrovicë/Mitrovica)	2011	€15,000	€4,500	€3,000	-	-	-	-	€10,000	-	-	€9,475	-	-	€41,975
	2012	€15,000	-	Shelter	-	-	-	-	€15,000	-	-	-	-	-	€30,000
Women's Wellness Centre (Pejë/Peć)	2011	€15,000	-	€75,000	-	-	-	-	-	-	€83,000	-	-	-	€173,000
	2012	€15,000	-	-	-	-	-	-	-	-	€57,000	-	-	-	€72,000
Safe House (Gjakovë/Đakovica)	2011	€15,000	-	€5,000	-	-	€25,000	-	-	-	-	€11,583	€14,000	-	€65,583
	2012	€15,000	-	-	-	-	€25,000	-	-	-	-	-	-	-	€40,000
Centre for Sheltering Women and Children (Prizren)	2011	€15,000	-	€4,800	-	-	-	-	-	-	-	€34,034	-	-	€53,834
	2012	€15,000	-	€2,000 + shelter	-	-	-	€17,665	-	-	-	€16,542	-	-	€51,207
Liria (Gjilan/Gnjilane)	2011	€15,000	€4,500	€10,000	-	€34,899	-	-	-	€115,000	-	€44,588	-	-	€223,987
	2012	€15,000	-	€10,000 + shelter	-	€13,500	-	-	-	€46,000	-	€16,509	-	-	€101,009
HHC (Prishtinë/Priština)	2011	€21,000	-	-	-	-	-	-	-	-	-	€14,943	-	-	€35,943
	2012	€21,000	-	-	-	-	-	-	-	-	-	€16,119	-	-	€37,119
PVPT (Prishtinë/Priština)	2011	€17,000	-	-	-	-	-	-	€5,030	-	-	€15,292	-	€86,472	€123,794
	2012	€17,000	-	-	-	-	-	-	-	-	-	€16,495	-	-	€33,495

<sup>1</sup> Through the USAID-supported Kosovo Anti-Trafficking Program (KAP), IOM financed shelters. Funding targeted trafficking victims and potential victims of trafficking, including persons who have suffered domestic violence. Shelters relied on IOM to sustain their overall operations. In 2011, USAID/IOM supported three NGOs that operated shelters in Prishtinë/Priština, Mitrovicë/Mitrovica, Prizren and Gjilan/Gnjilane (€129,938). In 2012, they supported four shelters in Prizren, Gjilan/Gnjilane and Prishtinë/Priština (€131,329). IOM support to shelters expired on 31 May 2012. IOM studied shelters' sustainability in 2009 (KWN interviews with USAID and IOM, March 2012). In 2011-2012, funded by the Royal Embassy of the Netherlands (Dutch Embassy), IOM sought to enhance the Coalition's capacities for advocacy, monitoring, service provision, coordination and rehabilitation (€74,855). This included strategic planning, coordination, capacity building, a study trip to Albania and meeting officials.

<sup>2</sup> This will be distributed to individual shelters (not the Coalition), but it was unclear which shelters.

In sum, government and donor funding for eight shelters totalled **€916,978** in 2011; **74% came from donors**. As Graph 9 illustrates, discrepancies in funding exist among shelters and over time. Shelter funding seemed set to decline by more than half in 2012, falling to **€424,801**, with **62% still coming from donors**. The substantial decrease in funding can be attributed in part to one-time infrastructure investments in 2011 (e.g., building the new Pejë/Peć shelter), but primarily resulted from the discontinuation or shrinking of donor programs.<sup>1</sup> This underlines the crucial point that **donor funding in Kosovo is unsustainable**,<sup>2</sup> and the government must urgently cost and budget for expenses required to fulfil its legal responsibilities for protecting domestic violence victims.



Shelter coalition members continue to advocate for government funding for all basic operational expenses.<sup>3</sup> They calculated that it costs **€30 per 24 hours** for a victim to receive all needed services, and funding eight shelters would require €1,200,000 per year.<sup>4</sup> Ministries have told the Coalition that no funds are available. Coalition members have met with DHSWs to see if municipal financial plans could include grants for shelters' operational costs. In 2012, UNDP WSSI planned to lobby for MoF to create a system for sustainable shelter financing (€3,874).

In addition to insufficient financing, a major gap in protection mechanisms is that **no shelter services exist for men suffering domestic violence**. On average 240 cases of violence against men/boys are reported to police every year,<sup>5</sup> and few services exist for them. The Kosovo Rehabilitation Centre for Torture Victims (KRCT), a NGO providing psychosocial therapy to men, reports that men are culturally expected to "deal with it":

The domestic violence legislation foresees services for men too. KRCT has provided services and therapy for men who have been victims of torture and domestic violence.

<sup>1</sup> Building on KAP, in November 2011 the EU Office in Kosovo began a new two-year project to expand institutional response to trafficking (€803,500). Shelters will receive training in service provision and reintegration, but no direct funding. The precise amount related to domestic violence could not be determined (KWN correspondence with Task Manager, 11 May 2012).

<sup>2</sup> See Chapter 2.

<sup>3</sup> They cite LPADV, Art. 27: under the lead of MLSW, ministries are responsible to "support and raise ancillary structures and necessary infrastructure" to protect persons against whom domestic violence is exercised.

<sup>4</sup> KWN interview with shelter representative, 17 January 2012. In 2010 they calculated the average number of sheltered cases per month, week and day and all services received based on lowest labour market prices (KWN correspondence with shelter representative, 25 July 2012). These calculations do not include SOS Kinderdorf or the Kosovo Serb women's shelter, presently unfinanced and run by volunteers in a NGO office.

<sup>5</sup> KWN's survey found that 39.6% of men had experienced domestic violence (*Security Begins at Home*).

Yet, to create services for men we should first raise awareness and mechanisms through which men can openly seek help. It is difficult for men because they fear being stigmatized. Speaking openly will destroy their ego [and they fear they will] be seen as failures. Work with the community would help these stereotypes crumble.<sup>6</sup>

Social gender norms, whereby men are expected to be strong, prevent men from speaking about the violence they suffer.

Monitoring and evaluating shelter services, including the effective and efficient spending of public funds, are crucial to ensuring quality service provision. Since shelters receive public funding, derived in part from taxpayers, MLSW should monitor regularly shelters' programmatic and financial performance. MLSW requires shelters to submit all receipts of expenses for domestic violence clients, including expenses covered by donors.<sup>7</sup> However, regular inspections are not conducted; these depend partially on finalizing the licensing procedures for shelters. MLSW will need to allocate sufficient resources for adequate monitoring and evaluation (e.g., staff, training, vehicles, communications).

A few donors commented that some shelters lack capacity to manage funds effectively and efficiently. For example, one shelter reportedly spent excessive funds on vehicle and staff costs. Others seemed to lack sufficient knowledge in effective budget planning and execution. Most shelters can improve their financial book-keeping skills, preparing better annual financial statements that clearly outline all sources of financial support from donors and the government.

### **Correctional Services: Security for Victims, Rehabilitation for Perpetrators**

Imprisoning perpetrators can enhance victims' security temporarily, though it is vital that correctional and probation services rehabilitate perpetrators towards preventing future violence.<sup>8</sup> Overseen and funded by MoJ, Correctional Services are mandated to organize, implement and oversee the execution of sanctions with imprisonment.<sup>9</sup> Prison employees are trained at the Academy for Public Security.

Correctional Services have calculated that providing an inmate with the envisaged services costs **€28 every 24 hours**.<sup>10</sup> Imprisoning a single inmate would cost €10,220 per year. Perpetrators tend to be imprisoned for three months or less for the crime of light bodily harm,<sup>11</sup> and the number of inmates serving time for domestic violence related crimes or their exact sentences is unknown. Thus, a minimum estimate for the cost of imprisoning domestic violence perpetrators is **€131,040 per year**.<sup>12</sup>

### **Conclusions: Protecting Domestic Violence Victims, Prosecuting Perpetrators**

In sum, the state (€1,240,658) and donors (€847,923) spent at least **€2,088,581** on protection and prosecution in 2011. These estimates do not include many additional unidentifiable costs. In 2012 spending on protection-related activities is expected to decrease to approximately €1,760,929, including €1,160,768 from the state and €600,161

<sup>6</sup> KWN interview with representatives of KRCT, 20 March 2012.

<sup>7</sup> Ibid.

<sup>8</sup> For information about Probation Services, see Chapter 5.

<sup>9</sup> Law on Execution of Criminal Sanctions, Nr. 03/L-191, Art. 203, para. 1.1.

<sup>10</sup> This includes food, accommodation, professional training and its employees' wages (KWN interview with Correctional Services representative, 6 February 2012). Correctional Service officers have requested better salaries and wages for night shifts, as well as hazard pay (RTK, 1 August 2012).

<sup>11</sup> Using the only data available, in 2008 courts imprisoned 52 perpetrators for crimes against life and body. (KWN, *More than "Words on Paper"?*, pp. 41-43). Other crimes could involve longer sentences.

<sup>12</sup> This is calculated as €28 per day times 90 days, multiplied by the 52 known imprisoned perpetrators in 2008.

from donors.<sup>13</sup> In 2013, institutions plan to increase budget allocations for legal aid and VAs, contributing to increased expenditures on protection (€1,619,508 in total).

Several protection-related activities foreseen in the PADVAP to occur between 2011 and 2014 still have not been undertaken and/or have not been budgeted adequately for: a study on the coverage map of services for domestic violence victims; development of social housing;<sup>14</sup> establishing a cooperation mechanism between municipalities to shelter victims; necessary equipment; sufficient space for handling cases; cooperative agreements between institutions involved in treatment of domestic violence cases; and SOPs for treating victims.

Further, this chapter has detailed the substantial human and financial resource shortages that obstruct institutions from carrying out their roles and responsibilities. Each institution has a legal obligation to identify how it will allocate sufficient resources to protect victims and prosecute perpetrators. This includes securing revenues or managing existing budgets more efficiently to cover presently donor-funded services. Early “investment” in protection may prevent future costs related to additional protection, prosecution and rehabilitation measures.

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<sup>13</sup> Some funding for the UNKT GBV Program could not be divided between 2012 and 2013. Therefore rough estimates were made that may not correspond exactly with activities.

<sup>14</sup> MoF and municipalities signed an MoU setting aside public land for constructing collective houses. A committee including ministry and municipal representatives selects beneficiaries based on pre-defined criteria (KWN correspondence with officials, July 2012). “Social cases” are prioritized, but it is unclear whether this includes domestic violence victims. For example, the Regulation for “giving apartments of the Municipality of Prishtinë to be used with rent for cases of social assistance” (2010) does not mention domestic violence victims specifically.

# Chapter 5.

# Rehabilitation and Reintegration

Rehabilitation from domestic violence and reintegration into society involve long-term, multi-dimensional approaches towards social, physical, economic and political empowerment. The Rehabilitation and Reintegration Pillar of the PADVAP aims to “ensure efficient services for rehabilitation and integration of victims and perpetrators of domestic violence”; and for the “rehabilitation and permanent reintegration of victims of domestic violence.” The PADVAP identifies actions to improve the quality of services for domestic violence victims and to provide professional treatment for perpetrators towards their integration. This chapter examines the legal and policy framework, institutional response and budget allocations for various aspects of rehabilitation and reintegration, including healthcare, education, economic empowerment and community support. As per the LPADV and PADVAP, it also discusses programs towards the rehabilitation and reintegration of perpetrators.

*“When she reports the case, the victim needs to face the police, the shelter, the victim advocate, the Centre for Social Work, the prosecutor, the court ... At the end what happens? She is returned home. Why? She cannot integrate into society. She doesn't have a professional education, cannot find a job and doesn't have a place to live.”*

– Kosovo Police Officer

## Healthcare towards Rehabilitation

Both physical and psychological healthcare are important for the rehabilitation of domestic violence victims. Victims may require treatment for months, even years, after the initial incident(s) of violence occur.<sup>1</sup> This can incur substantial, difficult to track costs over time.

The Ministry of Health (MoH) provides primary, secondary and tertiary healthcare. Primary healthcare institutions include family medical centres, clinics, emergency centres, pharmacies and rehabilitation centres. Kosovo's 36 municipalities have Main Family Medicine Centres (MFMC) that provide primary healthcare.<sup>2</sup> Municipal centres have a general doctor, family doctor and gynaecologist.<sup>3</sup> Secondary healthcare institutions include hospitals, mental health centres, diagnostics, education services, community centres and special integration centres. They provide diagnostic, therapeutic and rehabilitating care. Kosovo has seven hospitals with emergency centres. At the tertiary level is the Clinical University Centre.<sup>4</sup>

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<sup>1</sup> KWN, *Exploratory Research on the Extent of Gender-Based Violence in Kosovo and Its Impact on Women's Reproductive Health*.

<sup>2</sup> They offer healthcare for patients suffering from illness, disorders and injuries that can seriously impact or impair their life (Art. 22.2). A special sub-legal act should be drafted for assisting and offering rehabilitating healthcare for specified illnesses and injuries. It has not yet been adopted.

<sup>3</sup> Ministerial sub-legal acts define the organizational standards and functioning of medical centres. Family Medicine Centres (FMC) and points also provide primary healthcare. MFMCs in municipalities that lack easy access to hospitals have off-hospital maternity and women welfare centres (Law on Health, Art. 29.3).

<sup>4</sup> Law on Health, Art. 74.

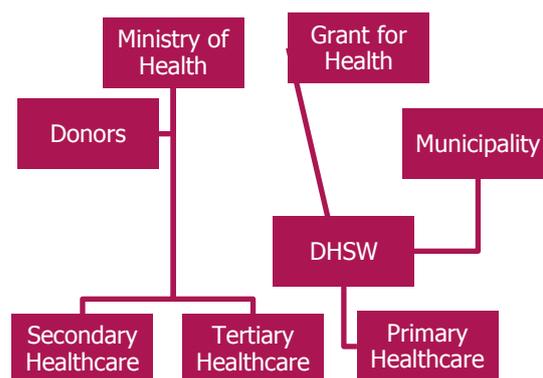
Quality healthcare services should aim to decrease absenteeism from work due to illness or injury and to reduce infant and maternal mortality.<sup>5</sup> Domestic violence can negatively impact the health of mothers and infants.<sup>6</sup> Therefore, identifying signs of domestic violence early on and intervening to prevent future violence can decrease long-term healthcare costs. Using quality healthcare to decrease days missed at work (e.g., as a result of domestic violence) also has economic implications. Domestic violence victims require a special approach to treatment that considers their often vulnerable position and privacy needs. MoH must draft sub-legal acts to fulfil these responsibilities.

MoH drafted a protocol to assist domestic violence victims, but its finalization was delayed due to insufficient financial and human resources.<sup>7</sup> Then, in 2012, a protocol was drafted with financial and technical support from UNFPA, in cooperation with KWN. In 2012, MoH allocated €3,000 for drafting medical protocols for treating domestic violence victims and €10,000 for training 150,000 medical employees to treat victims. UNFPA through KWN is supporting curriculum design and training through 2013.<sup>8</sup> MoH needs to allocate additional funds to institutionalize training for all healthcare employees. As potential first points of contact for domestic violence victims, emergency room personnel, gynaecologists and general practitioners must receive training on the appropriate psychosomatic approach to treating victims and referral mechanisms. MoH should also budget for monitoring and evaluating these mechanisms.

Throughout the healthcare system, MoH should cover the costs of treatment, transport and data management. As Graph 10 illustrates, municipal Directorates of Health and Social Welfare (DHSW) fund primary healthcare, receiving revenues from MoH, the municipal budget and the governmental Grant for Health derived from the Kosovo Budget. Secondary and Tertiary healthcare receive funding directly from MoH. Donors potentially contribute to this budget via bilateral aid, but the government pools all such revenues within the Kosovo budget, so donors' exact contribution to healthcare is incalculable.

Beyond physical healthcare, MoH is responsible for providing psychological treatment as a secondary healthcare service.<sup>9</sup> The Law does not yet define mental health. However, there are six mental health centres in Kosovo, administered by the Department of Health Services in MoH.<sup>10</sup> They diagnose and treat patients with mental disorders, but also provide psychological counselling to anyone who seeks it.<sup>11</sup> They offer treatment for patients at home or at centres. Centres also have social workers who monitor cases, engaging patients' families. The Department of Health Services does not have any MoUs or SOPs for treating domestic violence cases. Mental health centre representatives said that domestic violence exists in almost all the cases they treat, but they have not registered the cases as such. Nor has MoH requested any report on the prevalence of domestic violence among patients. The Department's main challenge is limited staff: "We only have two doctors for 1,000 patients,"

**Graph 10. Kosovo's Healthcare System: Structure and Sources of Funding**



<sup>5</sup> Ibid, Art. 25.

<sup>6</sup> KWN, *Exploratory Research on the Extent of Gender-based Violence in Kosova and Its Impact on Women's Reproductive Health*.

<sup>7</sup> KWN interview with MoH representatives, 25 January 2012.

<sup>8</sup> This includes €5,933 for staff and €3,195 for operational costs for UNFPA, €4,183 for KWN staff and €3,803 for KWN's indirect costs.

<sup>9</sup> Law on Health.

<sup>10</sup> KWN communication with Mental Health Centre representative, 27 July 2012.

<sup>11</sup> Ibid. No law specifically details these services.

a representative told KWN. Shelter representatives also struggled to identify well-trained, experienced psychologists to work with their clients.<sup>12</sup> Outside the public healthcare system, various NGOs, including shelters, provide psychological counselling, estimated to cost €30 per session.<sup>13</sup>

Representatives of healthcare institutions said they face numerous challenges, including the lack of a referral system, an “enormous” lack of nurses, insufficient space, poor infrastructure and inadequate equipment.<sup>14</sup> Further, personnel do not always keep patients’ personal information confidential.

*“We have requested many times to increase the number, but it is impossible for the Kosovo Budget.”*  
– Emergency Centre Representative

MoH does not seem particularly active in monitoring the quality of services provided. “They don’t exercise this obligation,” a respondent told KWN, “or they exercise it from their offices in the Ministry. Civil servants never go to the field to physically check services.” Various factors contributed to inadequate monitoring, including insufficient fuel, vehicles and managerial skills. Private clinics received even less oversight. This allowed for rights violations by public and private healthcare workers.<sup>15</sup> ***MoH needs to take a more active role in its duty to monitor the quality of healthcare provided***, which may require additional resources.

Insufficient monitoring also hampered quality data collection practices.<sup>16</sup> Although healthcare institutions record cases in registries, these do not include information about potential or definite incidents of domestic violence. Doctors may contact police if they suspect domestic violence contributed to a patient’s injuries, but referrals are not logged.<sup>17</sup> Further, documentation within the entire healthcare system was weak, a respondent said:

There is no accountability. No one makes any effort to classify data and report it to the Family Medicine Centre. Before the war, in Yugoslavia, institutions were obliged by law to report. If they didn’t report to the Institute of Public Health, they had to pay a fine. Now there is a law, but it doesn’t function. Legally they are obliged to report, but since no one in the institution [enforces it], they simply don’t do it.<sup>18</sup>

Another respondent continued:

They put a lot of money into developing an information system, but then they did not have any more money to maintain it, and the system broke some four years ago. So they don’t report the work load or use the WHO classification for diseases. The situation is really dramatic.

Doctors and nurses also lack clear job descriptions obliging them to collect and report data.

MoH urgently needs to allocate a sufficient budget for ameliorating information system issues; train healthcare workers on best data collection and confidentiality practices; clarify healthcare professionals’ mandate to include data collection and regular reporting; and monitor actively proper implementation of data collection policies. While important for the entire healthcare system, it also can enable healthcare workers to identify recurrent violence and refer victims for assistance towards preventing future violence (and potential future

<sup>12</sup> KWN/UNDP working group, “*At What Cost?*”

<sup>13</sup> KWN correspondence with three NGOs, June-July 2012.

<sup>14</sup> KWN interviews and observations, 2012.

<sup>15</sup> KWN interviews with women’s NGOs and shelters, 2012.

<sup>16</sup> Data on health indicators should be reported to MoH, which manages the Health Information System (regulated by the Law on Health, Law on the Rights and Obligations of Citizens in Health Care and AI 18/2006 for the Database of the Health Information System and the Internal Work Regulation of Institutions.

<sup>17</sup> KWN interview with Medical Emergency Centre of the Clinical University Centre of Kosovo, 15 January 2012.

<sup>18</sup> KWN interview, March 2012.

healthcare costs). Data collection also helps track the number of domestic violence cases treated, which can facilitate budget planning.

The PADVAP foresees free of charge medication and examinations for domestic violence victims accommodated at shelters.<sup>19</sup> The Law on Health further states that healthcare should be accessible to all citizens and that compulsory basic health insurance shall be provided.<sup>20</sup> Enacting this requires substantial resources, foreseen to come from the Kosovo Budget, municipal budgets, employers and citizens' co-payments.<sup>21</sup> As Kosovo does not have a health insurance law yet, the type of care provided, to whom and for how long remains unspecified. Changes may occur once the new Law on Health is enacted.

Due in part to poor data collection practices, *the precise cost of healthcare for domestic violence victims is impossible to calculate* because illnesses, injuries and treatment vary substantially. Recurrent health problems must be treated over long periods of time, making it difficult to track costs.<sup>23</sup> Beyond health institutions' expenditures, victims have substantial out-of-pocket costs not examined here.

In practice, primary healthcare may cost between four euros for a simple check-up and €500 for thorough treatment.<sup>24</sup> Individual public healthcare providers seemingly determine the cost of healthcare for domestic violence victims. In Mitrovicë/Mitrovica, the shelter's Director also serves as the MFMC's Vice Head. Therefore, healthcare services are provided in the shelter or hospital for little to no cost. In Gjilan/Gnjilane, the shelter signed MoUs with the DHSW, regional hospital and family medical clinic, enabling clients to receive free, priority treatment. Conversely, in Gjakovë/Đakovica, shelter representatives reported paying for all healthcare services. Although they have an agreement for primary healthcare, the hospital refused to provide free services because domestic violence victims are not on the list of charge-free categories of recipients. Further, shelter representatives said that many important services are not provided by public clinics (e.g., ultrasounds, dentistry). They had to pay private clinics for these services, which cost one shelter €4,800 per year. Shelters also reported paying for medication.<sup>25</sup>

When domestic violence victims require secondary healthcare, both they and shelters struggle to pay. "Secondary healthcare services are costly," a MFMC representative said. "We need an MoU between the Ministry and shelter for these services to be provided free of charge, just like primary health services."<sup>26</sup>

**Table 9. Illustrative Costs of Public Healthcare<sup>22</sup>**

Treatment	Cost
General control	€4
Laboratory analysis	Free
Stomach examination	Free
Orthopaedic exam	€4
Emergency visit	Free
Treatment for miscarriage	Free
Birth	Free
PAP test	Free
Vaginal tests	Free
Mammography	€6-€7
Treating sexual violence	Free
Treating high blood pressure	Free
Medicine for in-patients	Free
X-ray	€20

*"Institutions should have a more positive approach toward protecting domestic violence victims. There should be an MoU signed by the Ministry of Health for domestic violence victims to receive free services ... We need these services covered by law."*

- MFMC representative

<sup>19</sup> PDAPV, p. 61, SO 1, 3.3.

<sup>20</sup> Law on Health, art. 7.1 and 7.2.

<sup>21</sup> Law on Health, Art. 7.2.

<sup>22</sup> KWN correspondence with MoH official, July 2012. They were developing a new list because the current prices are too low. Persons receiving state social assistance receive all services free of charge.

<sup>23</sup> KWN, *Exploratory Research on the Extent of Gender-based Violence in Kosovo and Its Impact on Women's Reproductive Health*. Shelter representatives estimated that clients received four to five medical services on average per shelter stay (KWN correspondence, 2012).

<sup>24</sup> KWN interview with healthcare worker, March 2012. Beyond everyday services, MoH committed €14,500 specifically for domestic violence-related activities in 2012. MoH trains shelter employees on providing first aid, understanding clinical cases and protection from STDs and HIV, as per the PADVAP (€1,000) (KWN correspondence with MoH Department of Budget and Finance representative, 17 April 2012).

<sup>25</sup> KWN interview with shelter representative, 1 February 2012.

<sup>26</sup> KWN interview with MFMC representatives, 21 March 2012.

Worryingly, the PADVAP states that “no costs” are affiliated with healthcare services. Some “no cost” activities are incorporated in existing institutional activities. However, describing these services as “no cost” ignores costs affiliated with staffing, monitoring, treatment and medication for victims, which KWN found to be under-funded. The PADVAP should recognize the extensive healthcare costs affiliated with rehabilitating domestic violence victims. The LPADV also could be amended, enabling courts to issue measures whereby perpetrators would be responsible for financing victims’ healthcare costs. Victims should also be able to request compensation in civil cases.

### **Education towards Economic Empowerment and Reintegration**

Since the link between education and employment opportunities is clear, providing quality education is crucial for empowering victims in the reintegration process. This is acknowledged by the PADVAP, according to which MEST should provide vocational training, services and professional qualifications for domestic violence victims towards rehabilitation and reintegration. The financial return to the government of Kosovo for funding education can be immense; by educating persons who have suffered domestic violence, MEST invests in empowering them economically so that they may become independent financially. While enabling them to integrate into society, this may prevent dependency on state assistance.

Municipalities fund primary and secondary schools through municipal directorates of education. The government provides a Grant for Education directly to the municipality. The PADVAP states that municipal directorates for education must participate in drafting policies at the local level to prevent, protect and offer services to domestic violence victims and perpetrators. MEST does not seem to have set aside any resources for an AI governing how “catch up” classes are provided to domestic violence victims in shelters or after they leave shelters. At present, victims receiving social assistance can enrol in informal education free of charge.<sup>27</sup> Adult victims usually attend catch-up classes for free, but pay for final examinations required for obtaining certificates of completion.<sup>28</sup>

For children who have suffered domestic violence and children of domestic violence victims, shelters said ensuring access to education can be challenging. While shelters and schools cooperate, they do not have established referral protocols.<sup>29</sup> Without any AI at the national level, education for domestic violence victims depends largely on the willingness of municipal authorities and school directors. In some cases, shelters forged positive relations with school directors ensuring access. However, directors do not always approve shelters’ requests. For example, in Gjilan/Gnjilane a school did not accept two children because of the perceived high risk this could introduce to other children.<sup>30</sup> Some children residing in shelters could not attend because they feared violent perpetrators might enter the school, and schools often were reluctant to send teachers to shelters.<sup>31</sup> Forbidding children from attending schools is a violation of their right to education.<sup>32</sup> MEST in close consultation with relevant stakeholders needs to identify procedures through which all children have access to education, whilst considering the security concerns involved.

In some instances, MEST has provided limited financial support or assistance for educating child domestic violence victims. In one example, a girl and boy in secondary school could not remain in a shelter due to their age.<sup>33</sup> MEST’s Human Rights Unit coordinated with the University of Prishtinë/Priština and the Municipality of Prishtinë/Priština to secure accommodation in student dorms, food and education for them. Upon entering

<sup>27</sup> KWN interview with Gender Focal Point, MEST, 12 January 2012.

<sup>28</sup> Ibid.

<sup>29</sup> KWN interview with HHC, 24 January 2012.

<sup>30</sup> KWN interview with primary school representative, 28 February 2012.

<sup>31</sup> KWN correspondence with UNICEF and shelters, 2012.

<sup>32</sup> Kosovo Constitution, Art. 47.

<sup>33</sup> KWN interview with MEST representatives, 12 January 2012.

university, the boy received a one-year scholarship from the Municipality of Prishtinë/Priština for accommodation and food. Generally, however, neither MEST nor public universities have any obligation to support domestic violence victims or their children. Again, assistance is on a case by case basis, dependent on the good will of institutional representatives.<sup>34</sup>

MEST should draft an AI to support the implementation of the LPADV as well as the PADVAP, enabling municipalities to respond better when children are referred to the education system. The AI could address cooperation with shelters and CSWs based on their legal obligation to safeguard children's rights. The AI should include educational subsidies for victims' children when CSWs believe children would be at risk if returned to violent homes. Attention to the safety and security of children is needed, particularly if they attend public schools where perpetrators may attempt to contact them. The AI should be drafted in the context of national-level SOPs for children and domestic violence, respectively, bearing in mind coordination with other ministries as part of a comprehensive, multi-sectoral approach to children's rehabilitation and reintegration.

Based on this AI, MEST should install better data collection procedures regarding any special measures taken by schools to educate domestic violence victims and the affiliated costs. At present, the ad hoc nature of educational services for domestic violence victims made tracking costs impossible. Tracking services can enable MEST to better cost and budget for additional expenses associated with ensuring access to education for all domestic violence victims, as per the PADVAP, LPADV and obligations to the right to education. This may include costs for training teachers to employ a sensitive approach when educating domestic violence victims. MEST also could consider subsidizing or waiving the typical €60 fee for vocational classes for domestic violence victims.<sup>35</sup>

### **Economic Empowerment towards Reintegration**

Economic independence is crucial for reintegration. "You take a domestic violence victim out of her home and bring her to a shelter," a respondent commented. "But the shelter does not keep her all her life, provide a fund to secure her existence, employ her or make her independent."<sup>36</sup> Without the ability to support themselves, domestic violence victims are forced to remain in shelters or return to households where violence was perpetrated. Yet, economic empowerment can be challenging; poor education and insufficient work experience mean that domestic violence victims often are among the most difficult to employ. Moreover, while institutions and donors provide resources for prevention and protection, rarely do they fund the economic empowerment of domestic violence victims.<sup>37</sup>

Individual municipalities have provided some direct assistance for domestic violence victims through the subsidies category of mayoral budgets.<sup>38</sup> Recipients are selected arbitrarily as "social cases;" no criteria specify who qualifies. Persons receiving support often have resided in the shelter beyond the foreseen maximum stay of six months. Individuals apply to the mayor who decides whether to offer funding. Assistance may involve direct cash transfers, accommodation and/or exemption from municipal utilities. Since mayors' offices did not record whether this assistance benefited domestic violence victims, expenditures could not be estimated.

State social assistance can provide modest income for persons who have suffered domestic violence. Kosovo's social assistance program provides €40 per month to single parents who have at least one child under age fifteen; parents receive an additional €5 per child per month.<sup>39</sup> CSWs identify qualifying recipients and the MLSW DSW Division of Social

<sup>34</sup> KWN interview with HHC, 24 January 2012.

<sup>35</sup> MEST representative, KWN/UNDP working group, "At What Cost?".

<sup>36</sup> KWN interview with MoJ representative, 12 January 2012.

<sup>37</sup> KWN interviews with donors and KWN member organizations, 2012. UNDP planned such programs for 2012.

<sup>38</sup> KWN interviews with municipal authorities and shelters, 2012.

<sup>39</sup> Kosovo Law on Social Assistance Scheme, No. 2003/15, 2003, Art. 2.

Assistance allocates the government Grant on Social Services directly to individual recipients. However, social assistance does not enable families to rise above the poverty line of €46.50 per month, and families receiving state social assistance are more likely to live in poverty than those who are not.<sup>40</sup> Once poor families enter the social assistance scheme, they reduce their level of poverty, but do not emerge from it.

Within this context, the demographic groups most exposed to domestic violence include women from rural areas who are less educated, unemployed and reliant on social assistance.<sup>41</sup> Persons living in female-headed households are more likely to live in poverty than those in male-headed households.<sup>42</sup> Domestic violence victims thus are likely among the one-third of Kosovo's population that live in poverty. CSWs did not track the number of domestic violence victims receiving social assistance, so the precise cost of this assistance could not be determined. Not all domestic violence victims received social assistance, nor do all persons receiving social assistance that experience violence necessarily report it to CSWs. Bearing these caveats in mind, in 2011 DSW probably spent at least **€183,467** on social assistance for persons suffering domestic violence.<sup>43</sup>

The government of Kosovo has committed to "improve the social welfare of its citizens," including through state social assistance.<sup>44</sup> However, social transfers and thus social assistance are unlikely to increase substantially for years to come.<sup>45</sup> Thus, social assistance cannot enable persons who suffered domestic violence to integrate easily into society. The most efficient way to rise above the poverty line is employment.

Regional Employment Centres (RECs) are responsible for offering "free services and legal counselling" for domestic violence victims.<sup>46</sup> Beyond assisting the unemployed with finding jobs, employment centres also should assess unemployed people's standard of living, offer training and identify internships. Under the supervision of MLSW, the Department of Labour and Employment (DLE) coordinates and supervises the budget and human resources of these centres. MLSW finances centres directly from its central budget, though the Kosovo Assembly enacted the law governing centres' operations only recently.<sup>47</sup> Funding goes from MLSW to DLE to seven RECs and on to 23 employment offices. Donors also contribute funding to DLE and REC programs. The cost of assisting domestic violence victims to secure employment, however, could not be estimated because neither the DLE nor the REC database includes domestic violence victims as a specific category seeking employment or receiving assistance. Further, nearly half of Kosovo's labour force is unemployed,<sup>48</sup> and RECs had thousands of cases in their databases, all of which they should assist to secure employment. It was impossible for the 201 employees to assist all registered job-seekers. Nor did RECs document the services they provided to individuals.

In the few cases RECs assisted, victims' disadvantaged educational backgrounds presented an obstacle to employment.<sup>49</sup> When RECs could identify employment for them, it tended to be in low-skilled, low-paid jobs. Such positions

*"We can employ most women job seekers as cleaners and dishwashers in private businesses. When an intellectual woman starts this work, she finds herself again in a violent atmosphere. They go from family maltreatment to private business maltreatment."*

- REC Representative

<sup>40</sup> World Bank, *Poverty consumption in Kosovo in 2009*, May 2011. In 2009 nearly 34% of the population lived below the (absolute) poverty line and 12% below the extreme poverty line.

<sup>41</sup> See Chapter 1 and KWN, *Security Begins at Home*.

<sup>42</sup> SOK, *Household Budget Survey 2009* (HBS), Prishtinë/Priština: SOK, 2010.

<sup>43</sup> This was estimated by dividing total social transfers (€28,305,000) by the total number of households receiving social assistance (34,867) multiplied by the number of domestic violence cases assisted by CSWs (226).

<sup>44</sup> MTEF 2012-2014.

<sup>45</sup> MTEF 2012-2014. See Chapter 2.

<sup>46</sup> PADVAP.

<sup>47</sup> Law for Registration and Records of the Unemployed and Jobseekers, No. 04/L-083, 2012.

<sup>48</sup> SOK, *Labour Force Survey 2009*, Prishtinë/Priština: SOK, 2010.

<sup>49</sup> KWN interviews with REC representatives, 2012.

may not provide sufficient resources for economic independence.<sup>50</sup> Discrimination and harassment further affect women victims' employment status, a REC director said:

Discrimination against women in general is widespread, especially against women victims. We only employed three victims who had an elementary education. We prioritize these cases, but we cannot solve their problems. Younger, prettier women face sexual harassment. [Also,] confidentiality must be respected. We cannot say to employers, "Please employ this woman as she has been abused by her husband." If they learn that a woman has had family problems, they will not employ her.<sup>51</sup>

This REC in Mitrovicë/Mitrovica provided a positive example of how employment centres might assist domestic violence victims. Thanks to their staff members' good will, they maintained a list of women domestic violence victims for whom they prioritized assistance.

Officers in other RECs said persons who suffered domestic violence never approached their centres.<sup>52</sup> None of the interviewed RECs had received clients following referral from shelters or other institutions. Employment centres and CSWs do not seem to coordinate in assisting domestic violence victims as a vulnerable category, despite the fact that both DLE and DSW are under MLSW.

MLSW should lead, supervise and cooperate with employment institutions, municipalities and other institutions involved in implementing employment policies.<sup>53</sup> As part of a referral system, shelters and CSWs could refer clients to employment centres for assistance in securing employment towards reintegration. These institutions could coordinate at the municipal level, guided by a national AI governing case management. MLSW could also allocate resources for training REC staff to have a sensitive approach when assisting domestic violence victims and ensuring confidentiality; coordination with other institutions (requiring human resources); and improved data management to track to whom which services are provided. CSWs and RECs can coordinate to lift domestic violence victims, among other vulnerable groups, out of poverty and dependence on state social assistance.

Beyond state assistance, donor-funded programs offer general vocational training and job placement services. However, data on program beneficiaries tends not to include whether they have suffered domestic violence.<sup>54</sup> Donors also have paid the salaries of victims employed by private companies. However, "there is a risk with these cases," a shelter representative said. "Usually after the donation ends they are fired from their job."<sup>55</sup> Tax breaks for businesses employing persons who suffered violence (bearing in mind confidentiality issues) has been proposed as potentially more sustainable solution.<sup>56</sup> In 2012-2013, UNDP plans to map economic opportunities for domestic violence victims in three municipalities (€4,650) and then develop economic reintegration initiatives (€50,000).<sup>57</sup>

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<sup>50</sup> See Kosovar Gender Studies Centre (KGSC), *History is Herstory too: The History of Women in Civil Society in Kosovo 1980-2004*, Prishtinë/Priština: KGSC, 2008, pp. 270-1; and Rebecca Surtees for UNIFEM, *Women at Work: The economic situation and opportunities for women in Kosovo*, Prishtinë/Priština, September 2000.

<sup>51</sup> KWN interview with REC Director, 14 March 2012.

<sup>52</sup> KWN interviews, 2012.

<sup>53</sup> *Regulation Nr. 02/2011 on Administrative Responsibilities of the Office of the Prime Minister and of Ministries*, Section VI.

<sup>54</sup> KWN interviews with donors, 2012. Speaking with all donors running such programs was beyond the scope of this research.

<sup>55</sup> KWN interview with shelter representative, 17 January 2012

<sup>56</sup> KWN/UNDP working group, "At What Cost," 13 June 2012.

<sup>57</sup> KWN correspondence with UNDP, 4 April 2012. This is funded by the Finnish government through the UNKT GBV Program.

## Rehabilitation and Reintegration: Shelters and NGOs

The PADVAP foresees that MLSW, through shelters, will offer rehabilitation and psychosocial services to domestic violence victims. Beyond financing for shelters' protection services (see Chapter 4), resources must be allocated for rehabilitation and reintegration. Prior to 2011, reintegration programs for domestic violence victims were almost non-existent.<sup>58</sup> Shelters tried to coordinate domestic violence victims' reintegration but lacked sufficient resources.

In 2011, USAID through IOM supported shelters to develop reintegration programs for trafficking victims.<sup>59</sup> While support targeted trafficking victims, potential victims of trafficking including domestic violence victims also benefitted. All shelters received training in developing business plans in 2010 (€2,100), and two shelters received grants for income generating activities (totalling €23,166). In Gjakovë/Đakovica, the shelter used funding to expand an existing income generation project where women produce beauty products. The municipality provided space for a shop to sell the products while IOM funded its construction. However, revenues go to the shelter and do not necessarily empower domestic violence victims. In Gjilan/Gnjilane, the shelter provided small grants to women domestic violence survivors, which they used to establish microenterprises, such as a photocopy shop. The extent to which positions in such low-paid jobs will contribute to sustainable economic empowerment has been questioned.<sup>60</sup>

IOM also signed agreements with and trained ten community-based women's NGOs covering 15 municipalities to assist with reintegrating trafficking victims and potential trafficking victims, including domestic violence victims.<sup>61</sup> When a person sought to integrate into a community, the local NGO would deliver an assistance package in consultation with the relevant CSW and IOM. Each client received €774 as a one-time grant for up to six months' assistance. Plans included assistance tailored to individuals' needs, such as housing, house reconstruction, temporary rent, food, hygiene, healthcare or psychological treatment. Funds aimed to fill the gaps where state assistance was unavailable. After six months, the local CSW had to ensure that clients had sustainable solutions for survival. In 2011, 11 clients received integration support (€7,901), and seven benefitted in 2012 (€5,424).<sup>62</sup>

The women's NGOs responsible for administering these funds also identify support structures and community resources (e.g., vocational training, support groups, job placement). For coordinating clients' reintegration, NGOs received €31 per month for office supplies, fuel and other costs (totalling €316 in 2011). NGO case managers received €46 per month (totalling €474 in 2011). This is largely symbolic considering the substantial time spent with case visits, meetings and coordination, IOM said. In August 2012, the USAID/IOM program ended. While NGOs and CSWs have improved coordination and referral services, the program is difficult to sustain without funding clients' reintegration costs.

Lessons learnt from this program may be useful in developing a sustainable, state-funded rehabilitation and reintegration program for domestic violence victims. Municipalities and DHSWs can contract NGOs to offer special social and family services, including counselling and general support towards reintegration.<sup>63</sup> Several NGOs including shelters already counsel to domestic violence victims. For example, Medica Kosova provides

<sup>58</sup> See KWN, *Security Begins at Home*, p. 86.

<sup>59</sup> KWN interviews with USAID and IOM, March 2012. This was part of the USAID-supported Kosovo Anti-Trafficking Program (KAP). In 2009, IOM examined microbusiness, employment and self-employment opportunities in different economic sectors for women residing in shelters and shelter staff.

<sup>60</sup> See Surtees for UNIFEM, *Women at Work* and KGSC, *History is Herstory too*.

<sup>61</sup> The CSOs include Healthy Mind in Prizren, Girls Today in Suharekë/Suva Reka, Norma in Prishtinë/Prishtina, SZO in Fushë Kosovë/Kosovo Polje, Help to Poverty RAE Group in Gjakovë/Đakovica, Women's Network SHE in Ferizaj/Uroševac, Violeta in Podujevë/Podujevo, Forteza in Kamenicë/Kamenica, CPWC in Mitrovicë/Mitrovica and Alma in Peja/Peć.

<sup>62</sup> It was unclear how many beneficiaries suffered domestic violence, though trafficking may be considered a type of domestic violence, as discussed previously.

<sup>63</sup> Law on Local Self-Government, Art. 6.3 and Law on Social and Family Services, Art. 6.7, respectively.

individual and group counselling (€12,260); Open Door (€9,600) and Ruka Ruci (€7,000) offer psychosocial support, funded by KtK; and *Zensko Pravo* counsels women (€10,000), funded by USAID/Mercy Corps.<sup>64</sup> The sustainability of these services, however, depends on donor funding. In 2012-2013, donors plan to support reintegration programs.<sup>65</sup> However, long-term solutions require government action to fulfil commitments made in the PADVAP.

In sum, ***no comprehensive system for the rehabilitation and reintegration of domestic violence victims exists in Kosovo***. Only an estimated €357,465 was spent on related activities in 2011, 48% of which came from donors. Rather, state and donor funding have concentrated disproportionately on protection.<sup>66</sup> The state, especially MLSW, needs to cost and budget more accurately and adequately for establishing a sustainable, multi-faceted and cross-sectoral rehabilitation and reintegration program.

*"When you always talk about women as victims, the way people look at women does not change. Many donors are focusing on protection and women as victims, but women are also actors for change. They often know many ways to find a solution, but they don't have economic opportunities. There needs to be more focus on women as actors and on rehabilitation. [This means] initiating special programs on women's economic empowerment and employment."*  
- KtK Representative

### Rehabilitating and Reintegrating Perpetrators

The rehabilitation and reintegration of perpetrators also requires a multi-sectoral approach, which may involve individual and family counselling, vocational training and assistance securing employment. Kosovo's legal framework foresees various institutions' involvement in the rehabilitation and reintegration of perpetrators.<sup>67</sup>

The LPADV foresees that MoH will provide mandatory medical treatment for alcohol and drug abuse, though such treatment is still unavailable.<sup>68</sup> MoH is drafting an AI for supporting persons for whom mandatory treatment and psychosocial support has been issued in a protection order.<sup>69</sup> The draft AI has not been finalized or enacted. In 2012, MoH drafted a second AI (€1,500) that foresees mandatory treatment for perpetrators in medical family centres, hospital treatment and psychiatric treatment. MoH has yet to assess the budgetary implications for implementing it. Further, the LPADV's focus on counselling for drugs and alcohol ignores broader social and cultural practices that may "allow" domestic violence.<sup>70</sup> Mandatory individual and family counselling should be provided to address socialized gendered practices that may contribute to violence.

Towards rehabilitation and reintegration, Correctional Services offers various opportunities to perpetrators. Three correctional centres provide professional training, and some inmates attend vocational training at nearby training centres. Following exams, they can obtain certificates from MLSW.<sup>71</sup> The Academy for Public Security also provides inmates with professional training and psychological services.

Correctional facilities may be requested to provide court-ordered psychological treatment for inmates. However, Correctional Services representatives said they did not have enough psychologists to provide sufficient counselling. Municipalities relied on counselling services provided in Prishtinë/Priština, and perpetrators were transported there

<sup>64</sup> KWN correspondence with Mercy Corps representative, 22 March 2012.

<sup>65</sup> In 2012, UNDP WSSI plans to involve stakeholders in strategizing for comprehensive rehabilitation services (€3,874) and to provide €10,021 to shelters to improve their capacity for long-term reintegration services. OPDAT also planned to develop a post-shelter reintegration program, though the budget and timeframe were undecided (KWN correspondence, May 2012).

<sup>66</sup> See chapters 4 and 7.

<sup>67</sup> LPADV, art. 4, 9 and 28.

<sup>68</sup> LPADV, art. 4 and 9. KWN interview with MoH representative, 25 January 2012.

<sup>69</sup> KWN interview with MoH representative, 25 January 2012.

<sup>70</sup> See Chapter 1 and KWN, *Security Begins at Home*, p. 16.

<sup>71</sup> KWN interview with Correctional Centre representative, 6 February 2012.

by police.<sup>72</sup> However, respondents complained that health institutions sometimes only gave perpetrators an injection, rather than proper treatment such as counselling. This underlines the importance of clarifying court ordered measures and monitoring healthcare workers' performance.<sup>73</sup>

Probation Services also oversee and support convicted offenders who are addicted to alcohol and drugs and who must undergo court ordered rehabilitation treatment outside Correctional Services.<sup>74</sup> Probation Services executes court rulings for alternative sanctions, oversees penalties for minors and monitors persons released on parole. Its five regional offices aim to integrate minors and adult perpetrators into the community through supervision and monitoring.<sup>75</sup> Probation Services collaborates with CSWs as their cases often require social services. They also work with RECs to facilitate vocational training or mediate employment. However, insufficient institutional awareness that probation centres exist created issues. Institutions often refused to provide services to cases referred by probation centres because no MoU outlined their obligations.<sup>76</sup> In 2012, Probation Services was drafting five MoUs with different institutions to address this issue. Representatives hoped this would regulate improved cooperation.

*"We requested that the Mental Health Centre provide psychological treatment for minors, but they did not accept. 'It's not part of our mandate,' they say."*  
- Probation Services Representative

Probation centres also were establishing an electronic database in 2012, but were unable to provide information regarding the number of domestic violence-related cases they assisted. Officers may have assisted some cases and may monitor minors living in abusive domestic environments. While officers have not received any training on domestic violence, they noted that such cases "need special treatment."<sup>77</sup>

Probation Services' budget comes directly from MoJ. Services have been estimated to cost €2 per day.<sup>78</sup> However, the services offered and length of time provided vary depending on the case. KWN roughly estimated that **at least €42,120** is spent annually on probation services related to domestic violence cases.<sup>79</sup> NGOs including shelters and KRCT also provide counselling to perpetrators. However, the cost of these services could not be estimated.<sup>80</sup>

Graph 11 illustrates the known costs affiliated with providing services to an alleged perpetrator of domestic violence. After identification and perhaps a police investigation, the suspect may be taken to court. If there is insufficient evidence for a trial or time between the alleged violence and a trial, police can monitor households where violence may have occurred. Home visits may prevent recurrent violence. CSWs similarly may prevent violence through regular monitoring and family counselling, considering the best interests of the child. During visits, CSWs can inform perpetrators and potential perpetrators about opportunities for furthering their education, vocational training or employment

*"I took the initiative to visit families of domestic violence cases some time after violence occurred and the case was closed. This practice has a positive impact and has prevented repeat domestic violence."*  
- Police Officer

<sup>72</sup> The Kosovo Police paid transport costs, though no regulation governs this financing (KWN interviews, 2012).

<sup>73</sup> See chapters 1 and 4.

<sup>74</sup> Law on the Execution of Criminal Sanctions, Art. 217, para. 5.3.

<sup>75</sup> Five regional directorates are managed by the general Directorate of Probation Services in Prishtinë/Priština. Probation Services has 66 employees, including 33 women and 33 men (KWN correspondence, July 2012).

<sup>76</sup> KWN interviews with Correctional Centre and Probation Centre representatives, February and May 2012.

<sup>77</sup> KWN interview with Probation Centre representative, 4 May 2012.

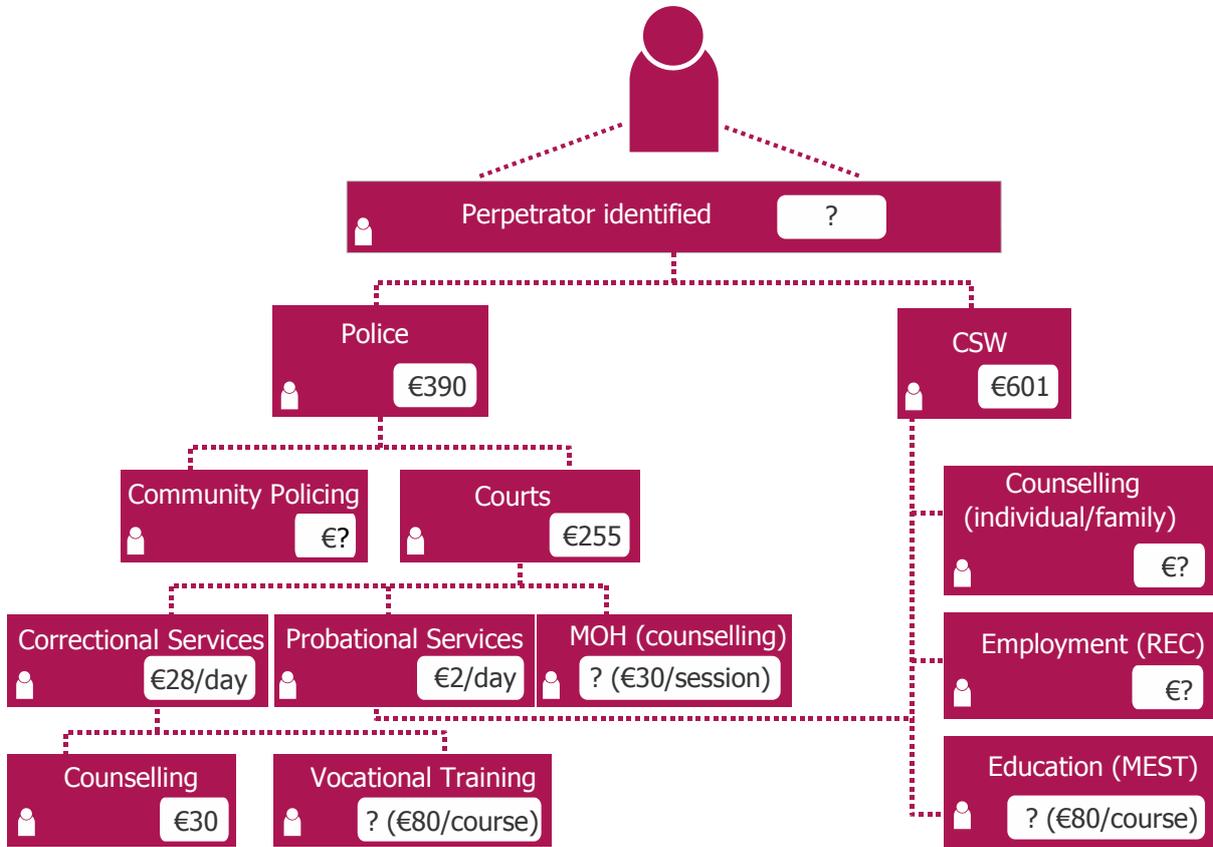
<sup>78</sup> Ibid. The calculation was made by EULEX.

<sup>79</sup> This was estimated based on KJC data for 2008: if all persons imprisoned (52) and with conditional sentences (182) received probation services for an average of three months. This does not include persons living in domestic environments where violence exists or persons receiving assistance for more than three months. Therefore KWN considers this a minimum rough estimate.

<sup>80</sup> Records on counselling sessions were maintained, but data could not be sorted based on this criteria. Nor could the percentage of staff time spent on counselling be teased out from their overall salaries.

assistance via RECs. Finally, courts may rule that perpetrators should spend time with Correctional Services, Probation Services and/or receiving counselling from MoH, each of which involve costs.

**Graph 11. An Itinerary Approach: Costs of Services for an Alleged Perpetrator**



Overall, **services towards the rehabilitation and reintegration of perpetrators are insufficient for implementing the existing legal framework.** The government of Kosovo needs to ensure that the foreseen services for perpetrators are established and functioning. This can prevent future violence and protect victims, decreasing costs to the state. Some respondents also advocated for innovative approaches, such as placing perpetrators in shelters. "What about changing the behaviour of guys?" A respondent said, "Attending counselling sessions is probably seen as being weak. If someone knows, then he's a loser and doesn't control his own family." Gender roles whereby men are expected to be tough and control their families may prevent men from seeking assistance or attending counselling. For rehabilitation and reintegration services to work, efforts also are needed to shift gender roles. "[Assistance] will remain superficial until the whole society moves ahead," the respondent concluded.

*"We need an innovative approach to treating perpetrators. We need shelters for victimizers, not victims. We should put persons who create problems in shelters, treat them and then send them home. It's less expensive and easier to treat one person than five (e.g., women and their children)."*  
- Respondent

## Conclusions

This chapter has illustrated that the relevant institutions have yet to set aside adequate resources and install sufficient secondary legislation to implement the law fully.<sup>81</sup> Kosovo lacks adequate programs for the rehabilitation and reintegration of domestic violence victims and perpetrators. ***The government does not officially offer domestic violence victims any support as a separate category in terms of education, employment or financial assistance. There is virtually no consideration of long-term counselling or economic wellbeing for victims as part of a comprehensive reintegration package. Professional counselling for perpetrators has yet to be established.*** The state and its relevant institutions must take numerous steps outlined above and reiterated in the recommendations to fulfil its legal obligations for the rehabilitation and reintegration of domestic violence victims and perpetrators.

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<sup>81</sup> In addition to the LPADV, the Law on Gender Equality in Kosovo addresses civil, political and economic rights that should create conditions for gender equality; this includes policies that support improving women's status, role and authority in the family and society (Art. 1.2).

# Chapter 6. Referral and Coordination: A Victim-Centred Approach

Towards more effective and efficient service delivery, this chapter suggests installing a referral system and Standard Operating Procedures (SOPs) with a victim-centred approach.

As prior chapters illustrated, referral and coordination among institutions responsible for protecting, rehabilitating and reintegrating victims remain ad hoc. For example, police transport VAs, social workers and prosecutors to court sessions and meetings with clients. This involves transportation expenses and occupies police officers' time, so that they are unavailable for other policing duties. Inadequate record-keeping means the costs of institutions' resource-sharing cannot be calculated. However, respondents said that this negatively impacted institutions' budgets and response. The unclear division of roles and responsibilities and the absence of a multi-agency referral system contribute to inefficient use of resources.

Although laws define institutions' responsibilities, procedures should systemize victims' itinerary with clear steps for state institutions. National level SOPs should clearly define the responsibilities of each institution according to laws and policies. In municipalities where referral systems exist already, current MoUs should be adapted.

In drafting SOPs, reviewing the itinerary of the victim is crucial for understanding referral systems and what services are used. An itinerary approach to monitoring and evaluating services involves following the path the victim might follow.<sup>1</sup> This can help identify gaps in existing policies, prevent future violence and identify costs affiliated with each service. A "victim-centred" approach to service provision, illustrated by Graph 12, focuses attention on the needs of the victim and the legal responsibility of each institution. Arrows point to the victim, indicating that institutions should actively fulfil their legal responsibilities, rather than waiting for the victim to seek assistance.

Any referral system must first identify the initial point of contact: where victims can find help. Police, friends, family, neighbours, teachers, doctors, nurses, gynaecologists, social workers, VAs, public servants or NGOs could identify domestic violence. Currently, victims tend to approach police and shelters first.<sup>2</sup> Even so, all institutions require training on recognizing signs of domestic violence, interacting with persons who have suffered domestic violence and making referrals.

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<sup>1</sup> Elizabeth Villagómez, "Training on Costing Violence against Women: A Gender Budgeting Approach," presentation, 2011.

<sup>2</sup> KWN interviews, February 2012. This also is illustrated by the fact that police receive more reports of domestic violence than other institutions (see Table 5).

**Graph 12. A Victim-Centred Approach to Assisting Domestic Violence Victims**

The Kosovo Criminal Procedure Code obliges public entities to report crimes that are prosecuted *ex officio*.<sup>3</sup> If social workers or health workers suspect child abuse, particularly sexual abuse, they should report cases immediately.<sup>4</sup> Although medical doctors, social workers and VAs are exempt as witnesses in criminal procedures, they have an obligation to report these crimes.<sup>5</sup> Failure to report such crimes should incur disciplinary procedures or the removal of practicing licenses.<sup>6</sup>

At present, few officials and public servants know where to refer or how to report domestic violence cases.<sup>7</sup> For example, teachers may be among the first to identify violence against children, but MEST does not seem to have any AIs, procedures or policies for referral. A teacher told KWN, "When we identify cases of domestic violence, we do not refer them to any institution. Rather, we try to solve them ourselves. We talk to the parents and the head of school, but that is all we can do."<sup>8</sup> MEST could oblige teachers to report and refer suspected cases of domestic violence against children or parents to the police and CSWs. MEST should enact reporting procedures and institutionalize training on them.<sup>9</sup>

MoH is developing a protocol and training curricula for healthcare workers to refer domestic violence cases. Initially funded by UNFPA,<sup>10</sup> MoH does not yet have a plan to institutionalize training on the new protocol; this will require additional resources.

<sup>3</sup> Provisional Criminal Procedure Code of Kosovo, Art. 197.

<sup>4</sup> Provisional Criminal Procedure Code of Kosovo, Art. 198, para. 2.

<sup>5</sup> Provisional Criminal Procedure Code of Kosovo, Art. 160.

<sup>6</sup> Social workers do not yet have practicing licenses, but once they do, the same should be true for them.

<sup>7</sup> KWN interviews with diverse institutions, 2012.

<sup>8</sup> KWN interview with primary school representative, 28 February 2012.

<sup>9</sup> The LPADV states that the government (which includes MEST) drafts AIs to implement the Law.

<sup>10</sup> Please see Chapter 5, "Healthcare towards Rehabilitation."

The Kosovo Institute for Public Administration (KIPA) is responsible for training public servants on domestic violence, but has not organized any training because it was not requested.<sup>11</sup> KWN's questioning of public servants about domestic violence led to requests for training in 2012 (€464).<sup>12</sup> KIPA needs to consider the costs of training additional public servants. Improving their knowledge about domestic violence, referral systems and responsibilities could facilitate adequate budgeting for services provided by each institution.

Helplines also can be important mechanisms for referral. In 2011, VAAD (now VAAO) established a toll-free helpline for domestic violence and trafficking (€15,492),<sup>13</sup> supported by OSCE (€26,276).<sup>14</sup> The police have a 24-hour helpline. Ruka Ruci collaborates with two other Kosovo Serb women's organizations to operate another helpline (€10,300, funded by KtK).<sup>15</sup> Safe House Gjakovë/Đakovica also has a helpline, supported by Caritas (€1,600).<sup>16</sup> Most shelters have helplines, though not all are toll-free. Instead of numerous helplines, a single state-run referral line may be more efficient. If victims prefer calling a non-state helpline, a few NGOs can have helplines staffed by psychologists with relevant expertise.

As part of the referral procedures, the aforementioned institutions and organizations should refer suspected domestic violence cases to the appropriate authorities, namely the police, CSW and/or VA. Then, Graph 13 proposes a referral procedure adapted from the SOPs for Victims of Trafficking (the actors relevant to each step are in boldface). If the victim is a child or adult who wants to report violence, then the victim is taken to the police station. To avoid several potentially traumatizing interviews, the CSW (to protect the rights of the child)<sup>17</sup> and VA (to represent the adult victim's interests) should be present during the police interview.<sup>18</sup> The police statement should be witnessed by these parties, and all parties should sign a Protection and Assistance Form, through which the victim enters into the state assistance program. Each institution would receive a copy, which they could use for case management. If the adult victim does not want to speak with the police, the CSW (when children are affected) and/or VA can sign the Protection and Assistance Form. If they believe a crime has been committed, they can refer the case to police for *ex officio* prosecution. The victim then should receive physical and psychological healthcare, as well as a forensic examination, as relevant. In emergency situations and/or in the best interests of the victim, forensic examinations and treatment may precede statements. Based on the adult victim's wishes or the evaluation of the CSW (for children), the victim may be taken to a shelter.

When the victim is psychologically and physically able to discuss her/his future, the CSW (for children), VA (for adults) *and* shelter (where relevant) discuss with the client her/his Rehabilitation and Reintegration Plan. The case manager then collaborates with other institutions to assist the client with implementing the Plan. Depending on the needs of the client this may include education; training and employment assistance from the REC; subsidized municipal housing; social assistance; healthcare; psychological counselling; family counselling; legal aid; and/or reintegration support from NGOs. The case manager undertakes regular monitoring visits until the Plan is complete, assisting the client to revise the Plan if needed.

<sup>11</sup> KWN correspondence with KIPA representatives, 20 March 2012.

<sup>12</sup> Ibid. The unit training cost is €11.60 per person per day, multiplied by two days for 20 people (thus reaching few public servants). This does not include the cost of trainers, which is a regular duty of public servants.

<sup>13</sup> The salaries of four operators totalled €4,958 and phone line expenses totalled €252 in 2011. Between October 2011 and April 2012, the helpline received 369 calls, including 34 related to domestic violence. Operators referred 16 cases to police and provided others with information about laws, shelter, protection orders and legal counselling services (KWN interview with VAAO representative, 11 May 2012).

<sup>14</sup> OSCE funded equipment, operator training and awareness-raising via TV spots, posters and leaflets. In 2012, OSCE budgeted €19,195 for further promoting the helpline on radio and TV.

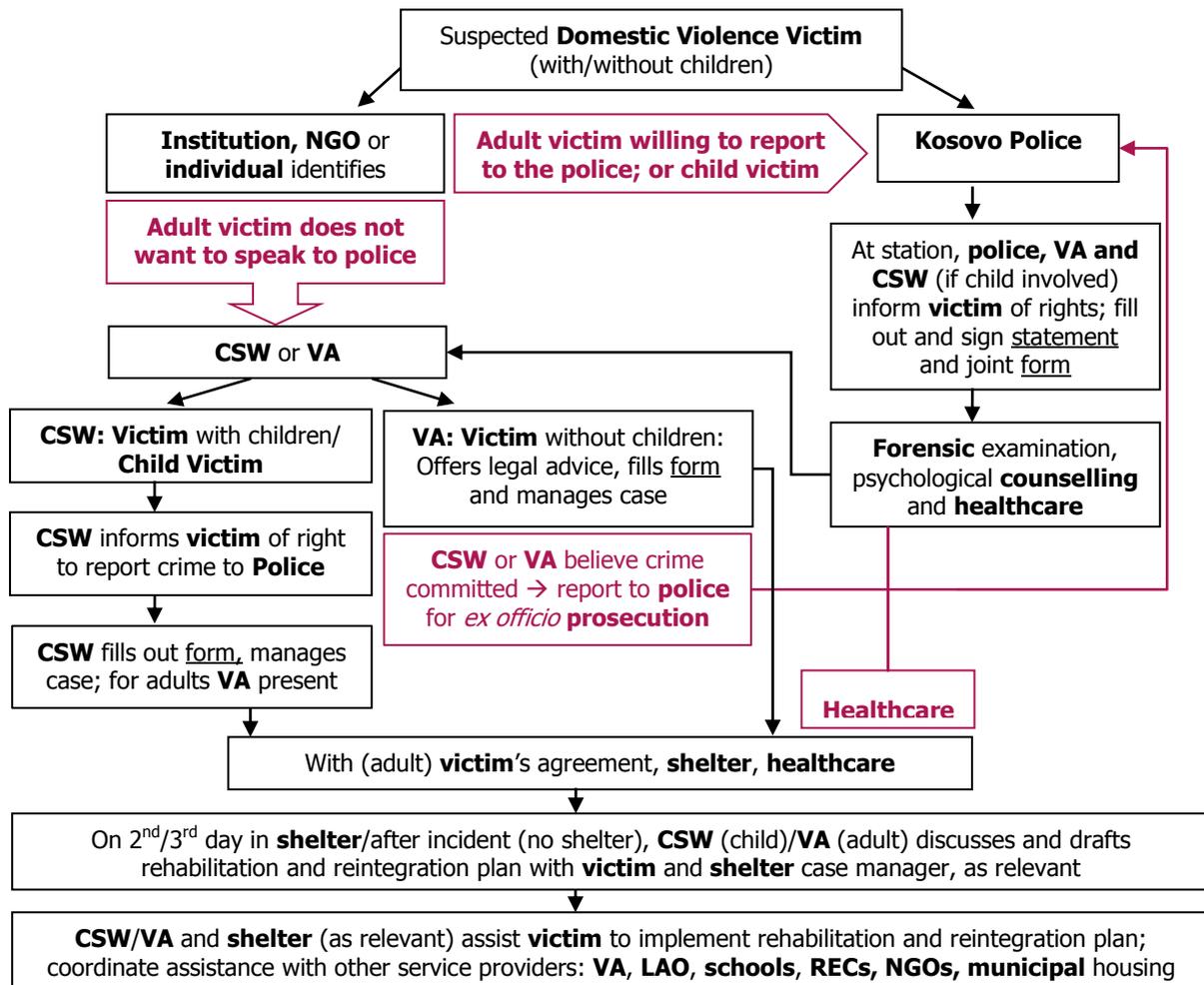
<sup>15</sup> Salaries for the part-time operators were €7,300, and €3,000 was spent training them.

<sup>16</sup> The operators are shelter employees who take turns responding to the helpline. Representatives estimated they spent this amount annually on the phone line, though it is included in their overall budget (see Chapter 4).

<sup>17</sup> The LPADV requires CSWs' presence to protect the rights of the child. CSWs can petition for a protection order.

<sup>18</sup> The CCRK foresees that VAs must safeguard domestic violence victims' rights (Art. 81 and 82).

Graph 13. Proposed Referral Procedure for Domestic Violence Victims



Based on its roles and responsibilities, VAAO should be at the forefront in drafting the SOPs in close coordination with all relevant stakeholders.<sup>19</sup> AGE should facilitate and push forward the process.<sup>20</sup> The referral system should comply with the CoE *Convention on Preventing and Combating Violence against Women and Domestic Violence*, specifying the funding each institution must allocate as per its mandate.

UNDP WSSI (€3,874), OSCE and OPDAT have expressed interest in supporting the development of SOPs in 2012.<sup>21</sup> As part of the joint UNKT GBV Program, in 2012-2013 UN Women plans to strengthen coordination mechanisms in Gjilan/Gnjilane and Gjakovë/Đakovica and to establish a mechanism in Dragash/Dragaš. This includes supporting municipal annual planning and budgeting to include budget lines for domestic violence (€15,000 over two years).<sup>22</sup> Whether the coordination groups will deal with policy or case management will depend on municipal needs. Lessons learnt could provide a model for other municipalities. All donors should coordinate their initiatives with the simultaneous development of a Kosovo-wide referral system and SOPs, ensuring that municipal and national referral systems are aligned.

<sup>19</sup> The Criminal Procedure Code makes VAs the authorized representative of the victim (Art. 82).

<sup>20</sup> This would be in line with its responsibilities under the Law on Gender Equality in Kosovo, Art. 5.2.

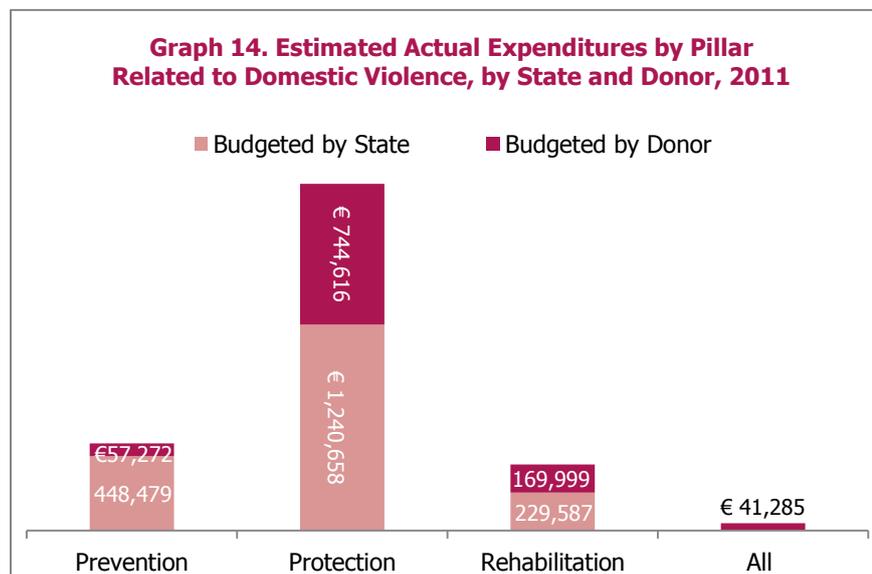
<sup>21</sup> KWN correspondence and interviews, 2012. The OPDAT budget had not yet been approved as of June 2012.

<sup>22</sup> KWN interview with UN Women representative, 23 March 2012. UN Women will also fund a study trip for municipal stakeholders to learn from best practices in Albania (€4,000 from the UN Women Regional Fund).

# Chapter 7. In Sum: Domestic Violence Costs

Heeding the aforementioned shortcomings of such an estimate and drawing from the known expenditures and budget disbursements described above, KWN attempted to estimate the total cost of preventing domestic violence, protecting victims, prosecuting perpetrators and supporting their rehabilitation and reintegration. In 2011, services related to addressing **domestic violence cost at least €3,060,116**, including more than €1,923,124 from the state and more than €1,136,992 from donors (37%). Based on these initial estimates, at least 0.13% of Kosovo’s overall expenditures in 2011 went towards state-funded services to address domestic violence. Overall, domestic violence-related services cost €1.76 per capita, and €1.11 per person in taxes annually.<sup>1</sup> As points of comparison, in 2011 the government spent €51 per capita on healthcare, €20 per capita for education and €8 per capita for constructing the Morine-Merdare highway.<sup>2</sup>

With reference to the PADVAP, Graph 14 illustrates expenditures for each of the three pillars. Clearly the government and donors allocated significantly more resources to protection (€2,088,581) than prevention (€526,264) or rehabilitation and reintegration (€399,585). Protection consumed 68% of the estimated total expenditures. This is



due in part to the fact that some protection-related activities were included within institutions’ budgets before the adoption of the LPADV or PADVAP (e.g., policing, prosecution, courts, CSWs and VAs). In contrast, prevention only recently has begun to be institutionalized (e.g., within MEST), and few rehabilitation and reintegration services exist.

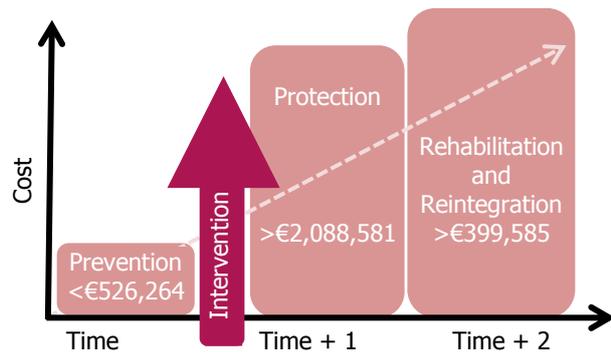
<sup>1</sup> Estimates made by dividing domestic violence expenditures by the population size, using census data (1,733,872).

<sup>2</sup> MTEF 2012-2014.

Notably, the three pillars are interrelated, influencing each other and future costs. Effective prevention can decrease demand for protection, prosecution, rehabilitation and reintegration services (see Graph 15).<sup>3</sup> Other research on the overall impact of domestic violence shows that violence negatively impacts state budgets, often reducing the victims' capacity to contribute productively to the family, economy and public life.<sup>4</sup> It drains resources for social services, the justice system, healthcare and employers. Domestic violence has a major impact on economic and human development, including decreased productivity, lost wages, reduced economic spending, increased morbidity, low infant birth weight and reduced educational attainment for children raised in violent environments, impacting their future contribution to the labour force.<sup>5</sup> KWN's research confirms that public funds spent to prevent domestic violence are minimal compared to the broader economic costs violence will create if not prevented. As Graph 17 shows, investment in effective prevention efforts, costing less than €526,264 in 2011, could save the state and donors more than €2,533,852 in protection, rehabilitation and reintegration costs.<sup>6</sup>

With regard to specific services offered to domestic violence victims, shelters seem to have consumed the most resources (see Graph 16). Counselling appeared to require the second greatest amount of resources, due largely to the over-estimated expenditures by MEST for counselling by psychologists in municipalities (not all their time was spent counselling domestic violence cases). Policing, social services and VAs also required substantial resources. Conversely, healthcare and employment assistance seemed severely under-funded. This is due in part to poor record keeping practices, which prevented KWN from identifying how much was spent assisting domestic violence victims.

**Graph 15. Impact of Prevention or Early Intervention on Costs of Domestic Violence**



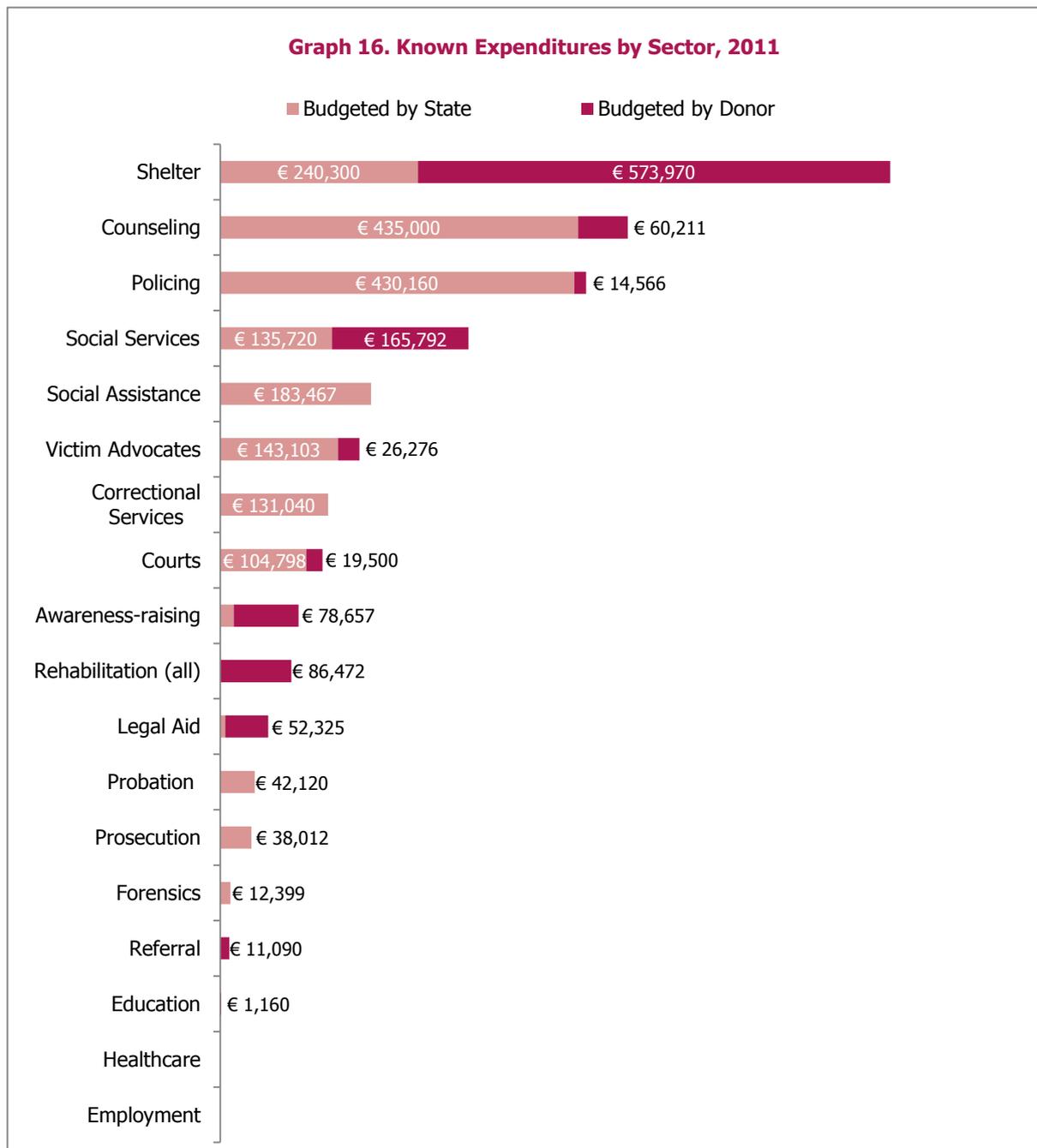
*If violence is perpetrated or continues to be perpetrated, costs rise with time. The "intervention" arrow illustrates how prevention and/or early intervention can prevent future costs associated with protection, rehabilitation and reintegration.*

<sup>3</sup> Elizabeth Villagómez, *Basic Elements of Gender Budgeting for Costing Services Aimed at Attention of Women and Girls Subjected to Violence*, 2012; and for Almenara Estudios Económicos y Sociales, *The Economic and Social Costs of Domestic Violence against Women in Andalusia*, for the UN Economic Commission for Europe, Conference of European Statisticians, Working Paper 8, Geneva: 2010.

<sup>4</sup> Council of Europe, *Combating Violence Against Women, Stocktaking Study on the Measures and Actions Taken in Council of Europe Member States*, Strasbourg: Council of Europe Directorate General of Human Rights, 2006.

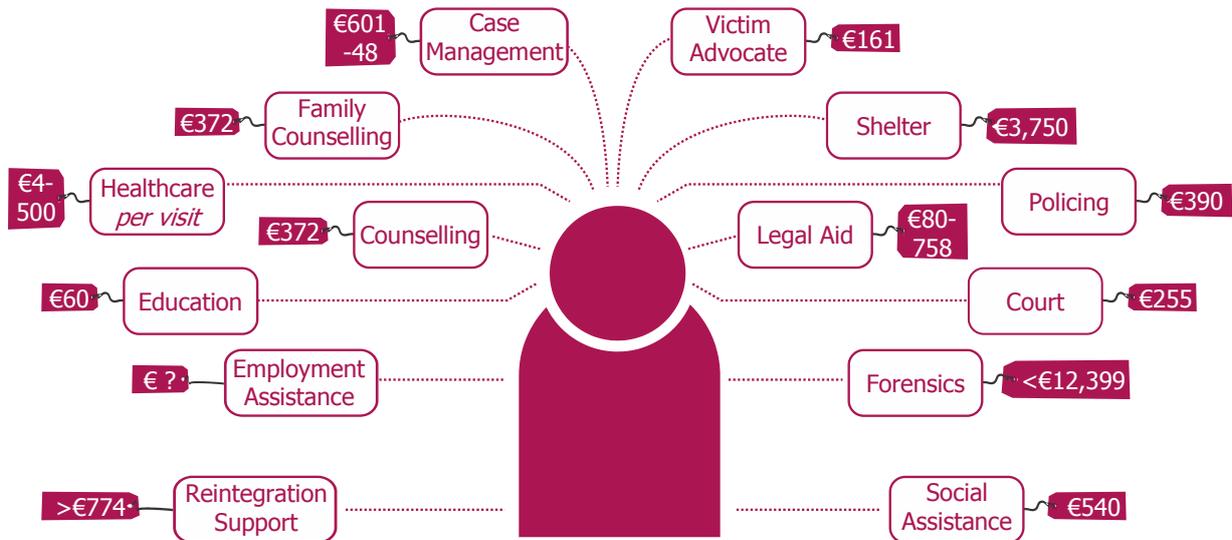
<sup>5</sup> See Elisabeth Shrader, *Economic Development and Gender Violence*, World Bank, 2000.

<sup>6</sup> For details regarding calculations, consult prior chapters and Annex 1.



Another way to look at the costs of domestic violence is to place a price tag on each service a victim may receive (see Graph 17). Of course costs can differ substantially depending on the crime committed, injuries suffered and victim’s available resources (e.g., alternative accommodation, family support, education level, employment status). The diverse needs of individual victims over time coupled with poor record-keeping by institutions mean an accurate “average” cost of assistance per victim cannot be calculated.

Graph 17. Estimated Annual Costs of Domestic Violence along a Victim's Itinerary



Overall, ***KWN's approximations likely involve sizeable under-estimations of the actual government funds spent addressing domestic violence.*** The unavailability of data meant that KWN could only scratch the surface of related costs. Further, while these graphs illustrate estimates of what was spent in 2011, ***the actual cost of services that should be provided in accordance with the legal framework is substantially more.*** In numerous areas institutions have not allocated any budget or the budget allocated was insufficient (see annexes 1 and 2). For example, police, VAs and CSWs all reported having to cover costs "out of their own pocket"; some lacked sufficient vehicles, fuel, computers and communications funding, among other important expenditures for carrying out their roles and responsibilities. Many entities have not budgeted for domestic violence related expenses, so they obviously have not costed accurately for these activities. Institutions that lacked knowledge about their legal responsibilities related to domestic violence could not have costed for carrying out their responsibilities either. Most institutions were unaware of the financial allocations necessary to comply with their legal obligations and in some cases lacked basic knowledge on how to cost and budget (see Chapter 2).

*"Domestic violence is not a priority in Dragash Municipality, as there is no domestic violence in Dragash. That's why we are not budgeting anything special in this field."*

- Director of Department of Finance

With regard to future funding to address domestic violence, the first two pillars of 1) prevention and 2) protection, security and prosecution can be partially implemented using the existing budgets of the relevant institutions. Although often insufficient, institutions have allocated budgets in the MTEF 2012-2014 for policing, courts, prosecutors, VAs, CSWs and other stakeholders; their roles and responsibilities preceded the PADVAP's adoption. However, the rehabilitation and reintegration pillar remains severely under-financed because few of these services existed when the MTEF was drafted. Additional resources beyond those foreseen in the existing MTEF are required, but cannot be allocated until 2014.

Despite commitments to the rule of law, human capital and social welfare in the MTEF, following the money evidences the government's focus on infrastructure investment (see Chapter 2). As a result, very limited funding is available for most social services. This impacts the entire population, not only domestic violence victims. However, domestic violence victims, among the most vulnerable of Kosovo's citizens, are arguably among the most negatively affected by disproportionate spending on infrastructure. If the government

is committed to social welfare, among its other roles and responsibilities outlined in the existing legal framework, the budget should be reviewed towards greater investment in social infrastructure. Better funding for social services in general will simultaneously mean better services for domestic violence victims.

How might institutions overcome the serious financial challenges to implementing their legal responsibilities related to domestic violence? KWN proposes four strategies: **1) scrutinize existing budget lines, identifying ways to more efficiently use state resources; 2) secure donor funding; 3) find innovative ways to boost revenues; or 4) invest in prevention towards decreasing overall expenditures related to domestic violence.**

First, towards efficiency, the state can increase the performance of the budget by better coordinating programs with finances. Coordination needs to occur at multiple levels: between state programs and cost units; between budget officers and gender advocates;<sup>7</sup> among institutions towards saving resources; and during the budget planning process and quarterly reporting. Institutions also must coordinate domestic violence case reporting so budget officers can plan efficiently for relevant services.<sup>8</sup>

The government also can further efficiency through better monitoring and evaluation of its spending. At present institutions are rather weak when it comes to monitoring and evaluating the efficiency and effectiveness of their programs and budgets. Donors should collaborate with institutions, offering expertise to develop methodologies, tools and capacities for improved monitoring and evaluation. A set of performance indicators should be developed to support the budget implementation process, including from a gender perspective. Performance indicators should be used as a negotiation tool in planning and monitoring GRB in general and the PADVAP in particular. Towards the MTEF aim of good governance and in accordance with the Budget Circular, lessons learnt through monitoring and evaluation should be used to inform future annual budgets.

Another way to further efficiency is to decrease overlap, particularly in donor funding. In a recent example, three donor-supported research teams met with the same municipal stakeholders within a few weeks' time. All teams asked similar questions related to institutional performance as per legal responsibilities related to domestic violence and budgeting processes. Resources could have been pooled and questions shared so that only one research team collected the information. This would save resources for data collection as well as the time of institutions' representatives.<sup>9</sup> Duplication of government services, such as the existence of multiple helplines, also should be decreased. Rather than funding similar budget lines (e.g., awareness-raising, training and research), the state should encourage donors to coordinate to ensure financing for severely under-funded programs like rehabilitation. The government must bear in mind that donor support to Kosovo appears to be decreasing and foreign funding is not a sustainable solution for the government to fulfil its responsibilities related to addressing domestic violence.

*"Sometimes I have the feeling that there is big competition between donors."*  
- Respondent

A third way to secure resources for addressing domestic violence is to increase revenues. The private sector cannot contribute much due to its small size and weak investment power. However, the state can increase revenues by pressuring the courts to exercise their duties regarding the collection of fees and through the confiscation of perpetrators' assets. **Court fees for domestic violence perpetrators and the confiscated assets of criminals could be allocated directly to supporting services related to rehabilitation and reintegration.**<sup>10</sup>

<sup>7</sup> To this end, AGE could put in place a tool for GRB.

<sup>8</sup> KWN/UNDP working group, "At What Cost?", June 2012.

<sup>9</sup> KWN observations while carrying out interviews with institutions.

<sup>10</sup> KWN/UNDP working group, "At What Cost?", June 2012.

Fourth, prevention arguably costs substantially less than protection, rehabilitation and reintegration. ***Investment in effective prevention can save the state substantial future resources by preventing violence from occurring in the first place.*** In addition to awareness-raising and education, this means ensuring that CSWs and police are well-resourced and have the expertise required to actively prevent domestic violence from occurring or reoccurring at the community level. Intervening early will be much more affordable for the state than dealing with the long-term results of domestic violence.

# Recommendations

The following recommendations respond to evidence and conclusions already presented.

## All Institutions

- Prioritize sufficiently and request adequate funding from MoF to implement the LPADV and PADVAP. Budget plans must consider referral procedures and mandatory training.
- Collaborate to draft and enact secondary legislation, including inter-institutional SOPs. Each institution should enlist its roles and responsibilities in the SOPs, which should be signed by all institutions and reflected in their annual work plans and budgets. The referral system should state clearly budget allocations that each institution must make to fulfil its mandate. Better coordination can further efficiency and improve service quality.
- Ensure GEOs, programmatic staff and budget officers coordinate in preparing annual budgets and are adequately trained to contribute effectively. Update their job descriptions, clearly stating their responsibility to coordinate during the budget process.
- Develop detailed work plans for activities addressing domestic violence in line with all five expenditures categories. Develop and reinforce cost units in each budget department. This department should plan and report budget expenditures toward LPADV and PADVAP categories agreed in advance.
- Develop performance indicators for monitoring strategic budget implementation.
- Use cost information to plan and monitor the implementation of the PADVAP.
- Scrutinize existing budget lines to use existing state resources more efficiently.
- Use sex disaggregated data during budgetary planning to identify areas where budget allocations should consider the specific needs of women and men, girls and boys.
- Revise the job descriptions of staff responsible for implementing the legal framework related to domestic violence, ensuring clear roles and responsibilities.

## Kosovo Legislators, including the Women's Caucus

- Initiate drafting amendments to the CCRK, defining domestic violence as a criminal offence guided by recommendations of the CoE *Convention on Preventing and Combating Violence against Women and Domestic Violence*. It requires states to provide for due diligence and undertake necessary legislative measures to "ensure the effective investigation and prosecution of offences".
- Ensure effective and efficient investigation, prosecution and compensation of domestic violence victims, fulfilling Kosovo's obligations under international and regional human rights standards listed in Kosovo's Constitution, including ECHR and CEDAW.
- Amend the LPADV to define clearly roles and responsibilities for all actors involved in prevention, protection, prosecution and rehabilitation. Consider including as possible measures mandatory counselling for perpetrators related to gender roles and inequalities (not only alcohol and drug abuse); and payment of victims' healthcare expenses.
- Improve budgetary allocations and monitoring of the LPADV's implementation.
- Ensure the PADVAP recognizes all costs affiliated with providing services to domestic violence victims and identifies clearly the institution(s) responsible.

## Agency for Gender Equality

- Influence the implementation of the LPADV and ensure a sufficient budget is allocated. Advise and support ministries in drafting AIs for the implementation of the LPADV.

- Install mechanisms for monitoring and reporting regularly on the implementation of the PADVAP. Request sufficient human and financial resources to carry out all relevant monitoring and implementation responsibilities.
- Request that MoF include mandatory consultations with AGE (at the national level) and GEOs (within ministries and municipalities) in the Budget Circular as part of the regular budgeting process.
- Ensure via training, mentoring and monitoring that GEOs at all levels monitor whether relevant institutions' budgets adequately address programmatic and legal obligations related to domestic violence.
- Facilitate coordination and decrease overlap among all stakeholders, particularly donors with institutions, towards implementing the existing legal and policy framework.

### **Ministry of Finance**

- Include mandatory consultations with AGE and GEOs about ministerial and municipal budgets within the Budget Circular as part of the annual hearing process.
- In the long-term, specify expenditure categories to facilitate the tracking of expenditures towards specific programmatic goals, including addressing domestic violence.
- Ensure that the activities foreseen in the LPADV and PADVAP have all relevant budget lines included in the annual Kosovo budget.

### **Ministry of Justice**

- Amend, together with the **Office of the State Prosecutor**, the recently signed MoU in accordance with the roles and responsibilities of VAs as foreseen under the CCRK and LPADV. The MoU should reflect the responsibilities of VAs regarding victims of crime, not only victims of trafficking.
- Establish SOPs for the Department of Forensic Medicine for domestic violence victims.
- Through the new National Coordinator on Domestic Violence, facilitate coordination and decrease overlap among all stakeholders, including donors, towards implementing the existing legal and policy framework. Coordinate regularly with all relevant institutions.
- Through the National Coordinator, develop a detailed work plan, including specific activities and funding sources, for monitoring LPADV and PADVAP implementation.

### **Kosovo Judicial Council**

- Boost revenues: Pressure courts to collect fees. Perpetrators' fees and confiscated property can be allocated to support rehabilitation and reintegration services.
- Allocate sufficient human and financial resources for regularly monitoring courts' performance, ensuring prompt responses to requests for protection orders and just rulings in crimes committed within domestic relationships in accordance with the CCRK.

### **Victim Advocacy and Assistance Office**

- Initiate drafting a referral system to assist and protect domestic violence victims, as per institutions' foreseen legal roles and responsibilities. The system should be initiated at the national level as SOPs that clearly define the roles and responsibilities of each institution in accordance with Kosovo laws and policies. In municipalities where a referral system already exists, MoUs should be adapted in accordance with the new SOPs.

### **Kosovo Police**

- Continue to offer regular training to police investigators on domestic violence. Update the current manual with the provisions foreseen under the new LPADV (Art. 22). DVIUs should receive priority training.
- Ensure that officers treat domestic violence as a public rather than private issue, as per the legal framework, which foresees *ex officio* prosecution of crimes committed within a

domestic relationship. Regularly monitor officers' performance and undertake disciplinary actions when officers fail to fulfil their duties.

### **Ministry of Labour and Social Welfare, Department of Social Welfare**

- Allocate sufficient financial and human resources for CSWs to carry out adequate case management, including adequate child protection as well as family counselling as a crucial state investment in preventing domestic violence.
- Train and license social workers in professional case management as per the applicable legal framework, including sensitivity to domestic violence under the Family Law.
- Complete the secondary legislation necessary for licensing shelters and their staff. Monitor their performance and assess expenditures based on clients served and services offered, allocating additional funding as necessary, including for shelter staff.
- Ensure CSWs and shelters refer clients to employment centres for assistance in securing employment. They should coordinate to lift domestic violence victims, among other vulnerable groups, out of poverty and dependence on state social assistance.

### **Department for Labour and Employment, Employment Centres**

- Provide training so officers can provide effective assistance to domestic violence victims.
- Install better tracking mechanisms to monitor assistance provided to clients and better assess the costs of assistance provided to particular categories.

### **Ministry of Health**

- Finalize and enact the AI to implement the LPADV on treating persons in need of psychosocial treatment, including children of victims of violence.
- Complete and enact the protocol for treating domestic violence victims, ensuring that it includes clear referral procedures, mechanisms for protecting their wellbeing and requires health providers to report crimes that are prosecuted *ex officio*.
- Allocate funds to institutionalize training for all healthcare providers on existing laws and policies, detecting signs of violence (e.g., during general or pregnancy-related check-ups) and a sensitive approach in treating victims.
- Develop and provide sufficient human and budgetary resources to implement health protocols when victims approach health services as primary contacts.
- Immediately install and monitor procedures for recording electronically all cases receiving treatment, including instances of suspected or known domestic violence.
- Monitor regularly the quality of services public and private healthcare providers offer.

### **Ministry of Education, Science and Technology**

- Establish procedures in coordination with other stakeholders so all children and women victims will have secure access to education toward their economic empowerment.
- Develop appropriate structures within schools and a referral protocol to identify child victims and increase reporting of domestic violence.
- Provide sufficient human and budgetary resources to train enough psychologists for schools to prevent violence and provide support to child victims of domestic violence.
- Train teachers on domestic violence. Efficiently use limited resources: organize a training of trainers' module for teachers to support each other.

### **Donors**

- Better coordinate assistance related to addressing domestic violence to decrease overlap and further efficiency.
- Coordinate in allocating more resources to rehabilitation and reintegration.
- Actively encourage institutions to institutionalize and allocate sufficient resources for services currently provided by donors, as relevant.

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## Annex 1. Known Costs of Domestic Violence in 2011-2012

The table below presents the known costs of domestic violence in 2011 and 2012 for each institution (in alphabetical order). KWN received all information from that institution unless otherwise noted. Footnotes contain explanations of calculations used or limitations. The first column identifies the primary PADVAP pillar under which the activity falls; "all" indicates that the activity or cost contributes to multiple pillars. The second column states the responsibility or activity that the actor should take, took or is taking. If funds were spent through a sub-grant, by another institution or as part of a particular program, this is indicated at the beginning of the activity, preceding a colon (:). The third column states the law or policy that the activity *contributes* to implementing. Institutions have a legal responsibility for fulfilling that law or policy, whereas donors and NGOs tend to contribute to its implementation. The fourth and fifth columns contain the amount spent in 2011 or budgeted for 2012, respectively. A question mark (?) indicates that information regarding funding was unavailable or incalculable, and zero (0) illustrates that no funds have been allocated. The light pink cells show the total spent (or planned to be spent in 2012) by each actor. For public institutions, the last column states whether the budget allocated is sufficient for fulfilling the institution's legal roles and responsibilities. A glance at this column and at the numerous zeros illustrates that many activities still are substantially underfunded. Efforts are needed on behalf of institutions to cost and budget for these responsibilities. This table, including the specified amounts budgeted by donors and NGOs, may assist institutions in costing and budgeting for future expenditures related to addressing domestic violence.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
<b>Austrian Development Agency (ADA)</b>			<b>€115,000</b>	<b>€46,000</b>	
Protection	Liria: Support shelter staff and activities (outreach, awareness-raising, lobbying)	PADVAP SO 3.1	€115,000	€46,000	
<b>Agency for Gender Equality (AGE)</b>			<b>€15,719</b>	<b>€5,400</b>	
All	Coordinate with other institutions for drafting legislation; monitor LPADV implementation; organize prevention activities (wages and salaries)	PADVAP SO 2.2; Law 2004/2, Art. 5.2 (b,d,j)	€2,400	€2,400	No: Insufficient staff for monitoring responsibilities
Prevention	Educate population to report DV; organize roundtables (goods and services)	PADVAP SO 1.4, 1.2	€13,319	€3,000	No: Insufficient resources
<b>Assembly of Kosovo, Committee on Human Rights, Gender Equality, Missing Persons and Petitions</b>			<b>?</b>	<b>€0</b>	
All	Conduct in-depth review of LPADV's implementation	Assembly Rules of Procedure, Annex	?	€0	
<b>Association of Independent Journalists (AIJ)</b>			<b>€0</b>	<b>€0</b>	
Prevention	Organize roundtables with community and relevant entity participation	PADVAP SO 1.2	€0	€0	No: Unaware have PADVAP responsibility
<b>Caritas</b>			<b>€25,000</b>	<b>€25,000</b>	
Protection	Fund Safe House Gjakovë/Đakovica running costs, helpline	PADVAP SO 3	€25,000	€25,000	
<b>CFD</b>			<b>€83,000</b>	<b>€57,000</b>	
Protection	Fund WWC's running costs, protection of victims and awareness-raising	PADAVP SO 3	€83,000	€57,000	
<b>Centre for Legal and Regional Development (CLARD)</b>			<b>€10,500</b>	<b>€8,000</b>	
Protection	Provide legal aid in DV cases	PADVAP SO 4.1	€8,000	€8,000	

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	From ECMI, to KJI: Train on international standards against DV, discrimination law and property ownership	PADVAP SO 3.1	€2,500	€0	
<b>European Union Rule of Law Mission in Kosovo (EULEX)</b>			?	?	
Prevention	Public outreach	PADVAP SO 1.2	?	?	
Protection	Train EULEX judges	PADVAP SO 1.2	?	?	
Protection	Train EULEX police officers	PADVAP SO 1.2	?	?	
Protection	Monitor DVIU management and SOP implementation	PADVAP SO 2.1	?	?	
Protection	Monitor court rulings on DV cases	PADVAP SO 2.1	?	?	
Protection	Rule on court cases related to DV	PADVAP SO 2.1	?	?	
Protection	Operational costs	PADVAP SO 2.2	?	?	
Protection	Human Rights and Gender Office: Mentor EULEX staff on DV	PADVAP SO 3.1	?	?	
All	Human resource costs	PADVAP SO 2.1	?	?	
<b>Government of Finland</b>			<b>€86,472</b>	<b>€800,000<sup>1</sup></b>	
Rehabilitation	PVPT: Rehabilitation program for shelter beneficiaries (medical services, therapy, vocational training, awareness-raising, legal counselling)	PADVAP SO 4.1	€86,472	?	
<b>Government of the Kingdom of the Netherlands</b>			<b>€223,813<sup>2</sup></b>	<b>€257,402<sup>3</sup></b>	
Protection	IOM/Shelter Coalition: Strengthen Coalition and direct support for shelters	PADVAP SO 3.1	€59,884	€14,971	
Protection	Shelter Coalition: Shelter operational costs	PADVAP SO 3.1	€88,000	€22,000	
Prevention	<i>Zensko Pravo</i> : Campaign against DV	PADVAP SO 1.2	?	€10,936	
<b>International Criminal Investigative Training Assistance Program (ICITAP)<sup>4</sup></b>			<b>€14,106</b>	<b>€6,198</b>	
Protection	Organize seminar for local leaders on how to deal with DV, forms of DV, etc.	PADVAP SO 2.1	?	€0	
Protection	Human resources: Staff to work on DV	PADVAP SO 3.3	?	?	
Prevention	Police: Print brochures for awareness-raising, distributed by Kosovo Police	PADVAP SO 1.4; LPADV	€5,200	€0	
Protection	Police: Organize two-day session on DV, rape and sex offenses for 70 police investigators, inspectors (materials)	PADVAP SO 2.1	€359	€0	
Protection	Police: Train three female officers on DV in North Carolina	PADVAP 2.1	€8,547	€0	

<sup>1</sup> The total grant for the UNKT GBV Program was €800,000, and it has been roughly split over two years (2012-2013). The funds may not be spent evenly over the two years, but a specific breakdown by activity was not always available. The amount in this cell is not included in the grand total as the individual amounts spent by UN agencies for the UNKT GBV Program is reflected already in each of their budgets below.

<sup>2</sup> This includes €75,929 in 2011 and €184,495 in 2012 that went towards UNDP WSSI, presented below and therefore not included in the grand total at the end of the Annex.

<sup>3</sup> This includes €25,000 provided to UNDP, which is included below and therefore not in the grand total.

<sup>4</sup> No staff or operational costs could be calculated accurately, so all totals are less than the actual expenditures.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Prevention	Organize roundtables, school presentations and establish material archive on DV	PADVAP SO 1.2	€0	€6,198	
Protection	Police: Updated and endorsed DV SOP using Minneapolis Domestic Violence Protocol	PADVAP SO 1.4	?	€0	
<b>Kosovo Institute for Public Administration (KIPA)</b>			<b>€0</b>	<b>€464</b>	
Prevention	Train public servants on DV laws and policies	PADVAP 1.2; AI Nr. 2003/25	€0	€464	No: Need to train more public servants
<b>Kosovo Judicial Council (KJC) and Courts</b>			<b>€104,618</b>	<b>€104,618</b>	
Prevention	Maintain and manage data collection system	PADVAP SO 1.4	?	?	No shared electronic database exists
Protection	All court costs spent on DV cases	PADVAP SO 2.1; LPADV, Art. 16(1); CCRK; Law 03/L-225; and Law on KJC	€104,618	€104,618	No: Insufficient monitoring; few judges, staff, court rooms
<b>Kosovo Judicial Institute (KJI)</b>			<b>€180</b>	<b>?</b>	
Protection	Train all judges, prosecutors and VAs on responsibilities under LPADV	PADVAP SO 2.1	€180	?	Not all trained; mainly funded by donors; judges pay own transport
<b>Kosovo Academy for Public Security</b>			<b>€22,160</b>	<b>€22,160</b>	
Protection	Train DVIU officers (and other officers)	LPADV; PADVAP SO 2.1	€22,160 <sup>5</sup>	€22,160	No: More officers require training, especially on new law, policies
<b>Kosovo Rehabilitation Centre for Torture Victims (KRCT)</b>			<b>€64</b>	<b>?</b>	
Rehabilitation	Counsel victims, perpetrators and families related to DV	Law 02/L-17; PADVAP 3.3	€64 <sup>6</sup>	?	
<b>Kvinna till Kvinna (KtK, from the Swedish International Development Agency)</b>			<b>€86,419</b>	<b>€ 46,200</b>	
Prevention	KWN: Awareness-raising and advocacy	PADVAP SO 1.3	€11,000	€12,500	
Prevention	KWN: Campaign for 15 Days (documentary film by Crossing Bridges, TV spot, discussions, theatre)	PADVAP 1.2	€10,720	€0	
Protection	Liria shelter: Psychosocial counselling, legal counselling, advocacy, awareness-raising	PADVAP SO 1.2, 4.1	€34,899	€13,500	
Rehabilitation	Open Door NGO: Psychosocial, legal and health counselling; awareness-raising	PADVAP SO 1.4, 4.1	€9,600	€0	
Prevention	Ruka Ruci NGO: Campaign against DV (roundtables and workshops)	PADVAP SO 1.2	€1,100	€1,100	
All	Ruka Ruci NGO: Staff and operational costs	PADVAP SO 2.1	€1,800	€1,800	

<sup>5</sup> Seventy police officers were trained, costing €8 each, totalling €560. Police paid six trainers €300 per month (€21,600 per year). The precise percentage of time spent providing training on domestic violence could not be calculated. Therefore the actual total spent on domestic violence specifically is less than this.

<sup>6</sup> This is the least possible estimate, calculated as at least one counselling session for two clients assisted.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Rehabilitation	Ruka Ruci NGO: Psychosocial support and legal counselling	PADVAP SO 4.1	€7,000	€7,000	
Protection	Ruka Ruci NGO: Helpline: staff	PADVAP SO 2.1, 2.2	€7,300	€7,300	
Protection	Ruka Ruci NGO: Helpline: Train operators	PADVAP SO 2.1, 2.2	€3,000	€3,000	
<b>Legal Aid Commission<sup>7</sup></b>			<b>€6,126</b>	<b>€6,126</b>	
Prevention	Inform population where they can report DV (brochures)	PADVAP SO 1.4	€0	€0	No: Seems not implemented, but donor-funded
Protection	Operational costs (e.g., telephone, transport, rent, office supplies) (goods and services)	PADVAP SO 2.1	€1,753	€1,753	No: Insufficient offices (donor-funded)
Protection	Contract lawyers (goods and services) <sup>8</sup>	PADVAP SO 2.1	€1,277	€1,277	No: Insufficient for contracting enough lawyers
Protection	Provide legal and administration services (wages and salaries)	PADVAP SO 2.1	€2,617	€2,617	No: Insufficient staff (donor-funded)
Protection	Utilities		€479	€479	Yes
<b>Medica Kosova<sup>9</sup></b>			<b>€56,586</b>	<b>€56,586</b>	
Protection	Represent DV cases legally (33 clients)		€25,000	€25,000	
Rehabilitation	Provide food for women receiving counselling		€12,690	€12,690	
Rehabilitation	Transport to the centre for women receiving counselling		€5,476	€5,476	
Rehabilitation	Group and individual counselling for DV		€12,260	€12,260	
Rehabilitation	Education sessions for DV victims		€1,160	€1,160	
<b>Ministry of Education, Science and Technology (MEST)</b>			<b>€432,000</b>	<b>€432,000</b>	
Prevention	Introduce psychologists to schools and municipal education departments <sup>10</sup>	PADVAP SO 1.1	€432,000	€432,000	No psychologists in schools yet
Prevention	Educate population to report DV	PADVAP SO 1.4	?	?	Yes: No budget line, but curricula contributes
Protection	Establish procedures for referral	PADVAP SO 1.4	€0	€0	No: Procedures do not exist
Prevention	Introduce curriculum with topics on DV and family relations in the psychology department	PADVAP SO 1.4	€0	€0	
Prevention	Train teachers on new curriculum and identifying signs of violence	PADVAP SO 1.4	€0	€0	No: Training on recognizing violence and referral needed
Protection	Report cases of DV (wages and salaries of teachers and schools)	PADVAP SO 1.4	?	?	Unclear whether teachers report, or time spent

<sup>7</sup> All costs are calculated as the budgeted amount divided by the total number of cases assisted in 2011 (3,007), multiplied by 64 domestic violence cases assisted. The budget for 2012 is estimated based on the number of domestic violence cases in 2011.

<sup>8</sup> Not all domestic violence cases require lawyers to be contracted. Therefore this may be an overestimate.

<sup>9</sup> Costs in 2012 estimated based on number of cases assisted in 2011.

<sup>10</sup> This includes salaries and wages for all psychologists. However, they do not spend all of their time assisting children who suffered domestic violence or preventing domestic violence. Therefore, this is an over-estimate.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	Monitor teachers; disciplinary procedures for teachers failing to report	Code of Ethics for Teachers, 2005	€0	€0	No: Insufficient monitoring of this issue
Rehabilitation	Ensure children have access to safe education, including DV victims	PADVAP SO 4.1.3	?	?	Amount spent on security, ensuring access unclear
Rehabilitation	Provide free catch up classes to adults	PADVAP SO 4.1.4	?	?	No: Not all victims have access
<b>Ministry of Labour and Social Welfare (MLSW)</b>			<b>€447,187</b>	<b>€447,187</b>	
All	Train and license social workers	PADVAP SO 3.1; LPADV	€0	€0	No: Social workers not licensed yet
Protection	Draft sub-legal acts	LPADV, Art. 27	?	?	Amount spent unclear
Protection	Create database for DV for all institutions	PADVAP SO 1.4; LPADV	€0	€0	No steps taken to create it
Protection	Establish licensing procedures for NGOs	LPADV, Art. 27; Law 02/L-17	?	?	No: Not yet completed
Rehabilitation	Issue certificates to inmates receiving training	PADVAP SO 2.1	?	?	Cost unclear
Rehabilitation	DLE/REC: Offer free services and legal counselling related to employment	PADVAP SO 4.1; Law 04/L-083	€0	€0	No records of counselling provided
Rehabilitation	DLE/REC: Vocational training for DV victims towards job placement	PADVAP SO 4.1.4	€0	€0	No records of training provided
Protection	DSW/CPWC Mitrovicë/ Mitrovica: Cover 50% of all running costs (accommodation, food, hygiene)	LPADV; Law 02/L-17	€15,000	€15,000	No staff costs covered and insufficient funds for all services
Protection	DSW/CPWC Prishtinë/Priština: Cover 50% of running costs	LPADV; Law 02/L-17	€15,000	€15,000	No: Insufficient
Protection	DSW/Shelter Prizren: Cover 50% of running costs	LPADV; Law 02/L-17	€15,000	€15,000	No: Insufficient
Protection	DSW/CSW: All social service staff costs for DV only (petition for POs, reconciliation, social assistance, protect the rights of children)	Law 02/L-17; Family Law, Art. 82, 83; LPADV, Art. 13	€135,720	€135,720	No: Insufficient staff, case management, coordination, monitoring
Rehabilitation	DSW/CSW: Provide social assistance to DV victims (governmental grant)	Law No. 02/L-17; LPADV, Art. 27	€183,467 <sup>11</sup>	€183,467	No: Insufficient to allow victims to emerge from poverty
All	DSW/CSW: Materials (goods and services)	PADVAP SO 3.1	?	?	No: Insufficient communications, computers, printers, funds for victims' emergency needs

<sup>11</sup> This was calculated as the total amount of social transfers in Kosovo, divided by the total number of households that received social assistance and multiplied by the number of domestic violence cases assisted by CSWs. Not all domestic violence cases assisted by CSWs received social assistance. Nor did all persons receiving social assistance who were also experiencing domestic violence inform CSWs that violence occurred in their families. However, this was the best possible estimate that could be made with the data available.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	DSW/HHC: Cover 70% of running costs	LPADV; Law 02/L-17	€21,000	€21,000	No: Insufficient
Protection	DSW/Liria: Cover 50% of running costs	LPADV; Law 02/L-17	€15,000	€15,000	No: Insufficient
Protection	DSW/PVPT: Cover 50% of running costs	LPADV; Law 02/L-17	€17,000	€17,000	No: Insufficient
Protection	DSW/Safe House Gjakovë/Đakovica: Cover 50% of running costs	LPADV; Law 02/L-17	€15,000	€15,000	No: Insufficient
Protection	DSW/WWC: Cover 50% of running costs	PADVAP SO 3.1; LPADV; Law 02/L-17	€15,000	€15,000	No: Insufficient
<b>Ministry of Health (MoH)</b>			<b>€ 4,000</b>	<b>€ 18,500</b>	
Protection	Refer victims (wages and salaries)	Law 02/L-76; Provisional Criminal Procedure Code Art. 160	?	?	Yes: Personnel in place; need training and procedures
Rehabilitation	Provide healthcare services to victims	PADVAP SO 3.3; LPADV; laws 02/L-50; 02/L-76; 2004/4, art. 7.1, 7.2	?	?	No: Insufficient nurses, doctors, equipment, space
Rehabilitation	Train shelter staff on protection from STDs and HIV	PADVAP SO 3.1; Law 02/L-76	€1,000	€1,000	Yes
Rehabilitation	Train shelter staff on first aid and clinical cases	PADVAP SO 3.1; Law 02/L-76	?	?	Unclear whether budget exists
Rehabilitation	Monitor and evaluate the performance of healthcare workers as per legal responsibilities and AIs (wages and salaries)	PADVAP SO 3.2; LPADV; Law 02/L-76; Law 02/L-50	?	?	No: Insufficient monitoring
Rehabilitation	Develop secondary legislation for psychosocial rehabilitation and reintegration of perpetrators	PADVAP SO 3.1; LPADV, Art. 28	€3,000	€3,000	Yes
Rehabilitation	Provide psychosocial treatment for perpetrators	PADVAP SO 3.1; LPADV	€0	€0	No: Insufficient service providers exist; poor quality treatment
Rehabilitation	Draft sub-legal acts on perpetrators' use of drugs and alcohol, etc.	PADVAP SO 3.1; LPADV, art. 9, 27, 28	€0	€1,500	Not yet completed
Rehabilitation	Draft medical protocols to assist DV victims and train medical staff on protocols	PADVAP SO.3.1	€0	€13,000	No: Need to institutionalize training
<b>Ministry of Justice (MoJ)</b>			<b>€343,662</b>	<b>€349,751</b>	
Protection	Forensics: Provide medical reports to inform judicial processes	Law 03/L-137	€12,399 <sup>12</sup>	€12,399	Unclear: Few cases referred
Protection	Forensics: Take tests (DNA) to inform judicial processes	Law 03/L-137	€0	€0	No: Paid by victims and perpetrators

<sup>12</sup> This was calculated as the total budget for salaries and wages (€905,117) divided by the total number of cases assisted (73), multiplied by one domestic violence case assisted. This estimate may be high as forensics performed additional services.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Prevention	Organize roundtables with participation of community and relevant entities	PADVAP SO 1.2	€1,500	€1,500	Unclear: Some municipalities covered
Prevention	Contribute to organizing media campaigns focused on DV	PADVAP SO 1.2	?	?	Coordination with other institutions for these unclear
Protection	Correctional Services: Train correctional officers	PADVAP SO 2.1	€0	€0	No training on DV
Protection	Correctional Services: Provide all services to inmates (vocational training, healthcare, counselling)	Law 03/L-191, Art. 203	€131,040 <sup>13</sup>	€131,040	No: Insufficient staff, psychologists
Rehabilitation	Probation Services: Support convicted offenders addicted to drugs and alcohol	Law 03/L-191, Art. 217	€42,120 <sup>14</sup>	€42,120	Unclear
Protection	VAAD: <sup>15</sup> Transportation, materials, phone (goods and services)	PADVAP SO 2.1; CCRK	€61,033	€49,796	No: One old car in each region
Protection	VAAD: Helpline (wages and salaries)	PADVAP; CCRK	€4,958	€14,873	Yes
Protection	VAAD: Emergency costs for victims (food, drinks, clothes)	PADVAP SO 3.3	€0	€0	No budget line; paid by VAs
Protection	VAAD: Helpline (communication costs)	PADVAP SO 2.2; CCRK	€252	€1,164	Unclear
Protection	VAAD: Safeguard victims' rights, legal advice, referral, petition for protection order, interview victim, coordinate with institutions (wages and salaries)	Criminal Procedure Code, Art. 78, 81, 82	€76,860	€76,860	No: Insufficient staff for all Kosovo; no pay for overtime or job-related risks
Protection	VAAD: Initiate drafting of SOPs	PADVAP SO 2.1; CCRK, art. 78, 81, 82	€0	€0	No: Has not initiated
Protection	Shelters: Grants for direct services (not wages and salaries)	PADVAP SO 3.3	- <sup>16</sup>	€20,000	No: Only some shelters receive funding
Protection	VAAD/Liria: Cover all expenses except wages and salaries	PADVAP SO 3.3	€4,500	?	
Protection	VAAD/CPWC Mitrovicë/Mitrovica: Cover all expenses except wages and salaries	PADVAP SO 3.3	€4,500	?	
Protection	VAAD/CPWC Prishtinë/Priština: Cover all expenses except wages and salaries	PADVAP SO 3.3	€4,500	?	
<b>Ministry of Public Administration (MPA)</b>			<b>€0</b>	<b>€0</b>	
Prevention	Organize media campaigns focused on DV	PADVAP SO 1.2	€0	€0	No budget allocated
<b>Municipalities</b>			<b>€97,960</b>	<b>€12,000</b>	

<sup>13</sup> This was estimated at €28 per day, multiplied by the common sentence of 90 days, multiplied by 52 perpetrators known to be imprisoned for crimes of light bodily harm committed in a domestic relationship in 2008 (see Chapter 4). This is the lowest possible estimate because persons committing other crimes within a domestic relationship are not included here. No other data was available on which to base an estimate.

<sup>14</sup> This was estimated based on 2008 data: if the 52 imprisoned perpetrators and 182 conditional sentences for the same crime received three months of probation services, costing €2 per day. No other data was available on which to base an estimate.

<sup>15</sup> Between 2012 and 2013, all of the following VAAD (now VAAO) expenses shall be funded through the Office of the State Prosecutor (see Chapter 4).

<sup>16</sup> For 2011, this was already allocated to the shelters that follow in the next three lines.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	Municipality of Gjakovë/ Đakovica/Safe House: Direct support for shelter	Law 03/L-040; Law 02/L-17	€5,000	€0	Unclear
Protection	Municipality of Gjilan/Gnjilane/ Liria: Support shelter utilities	Law 03/L-040; Law 02/L-17	€10,000	€10,000	Unclear
Prevention	Municipality of Gjilan/Gnjilane/GEO: Prepare brochure with information on DV	PADVAP SO 1.4	€160	€0	Unclear
Protection	Municipality of Pejë/Peć/ WWC: Direct support to build a new shelter	Law 03/L-040; Law 02/L-17	€75,000	€0	Yes
Protection	Municipality of Mitrovicë/Mitrovica/CPWC: Direct support for shelter utilities	Law 03/L-040; Law 02/L-17	€3,000	€0	Unclear
Protection	Municipality of Prizren/Shelter: Direct support for shelter	Law 03/L-040; Law 02/L-17	€4,800	€2,000	Unclear
<b>Ministry of Culture, Youth and Sport (MCYS)</b>			<b>€0</b>	<b>€0</b>	
Prevention	Include issue of DV in programming for children in radio and TV	PADVAP SO 1.3	€0	€0	No: Unaware they have responsibility in PADVAP
<b>Norma</b>			<b>€16,000</b>	<b>€16,000</b>	
Protection	Legal aid for DV victims	PADVAP SO 2.1	€16,000	€16,000	
<b>Norwegian Embassy</b>			<b>€15,030</b>	<b>€15,000</b>	
Protection	CPWC Mitrovicë/Mitrovica: Costs of personnel, shelter office and services	PADVAP SO 3.3	€10,000	€15,000	
Prevention	PVPT: Awareness-raising, especially among potential victims to prevent trafficking	PADVAP SO 1.2	€5,030	€0	
<b>Ombudsperson Institution</b>			<b>?</b>	<b>?</b>	
Protection	Monitor cases and respond to complaints	Law 2004/2	?	?	Unclear
<b>One-to-One</b>			<b>€3,419</b>	<b>€3,419</b>	
Rehabilitation	Counsel children who experienced DV	PADVAP SO 3.3	€3,419	€3,419	
<b>Office of Overseas Prosecutorial Development Assistance and Training (OPDAT)</b>			<b>€0</b>	<b>€565</b>	
Prevention	Community outreach to raise awareness of victims' issues in schools and universities	PADVAP SO 1.3	€0	?	
Prevention	Brochure on DV victims' rights	PADVAP SO 2.1	€0	€565	
Protection	Initiate development and adoption of SOPs among agencies	PADVAP SO 2.1 (under Office of State Prosecutor now)	€0	?	
Protection	Provide expertise and training for VAs and victim service providers	PADVAP SO 2.1	€0	?	
Protection	Support creation of a shelter for DV victims in an underserved area	PADVAP SO 2.1	€0	?	
Protection	Prepare multi-lingual information materials on rights and psychosocial needs of DV victims	PADVAP SO 1.4	€0	?	

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Rehabilitation	Develop a post-shelter, reintegration program for victims of GBV; prevent re-victimization	PADVAP SO 4.1	€0	?	
<b>Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo<sup>17</sup></b>			<b>€40,873</b>	<b>€41,883</b>	
All	Wages and salaries of staff working on DV-related issues (monitoring courts, awareness-raising, capacity development, etc.)		?	?	
All	Operational costs (e.g., telephone, transport, rent, office supplies) used for activities related to addressing DV		?	?	
All	Further participation in drafting gender equality strategies (with topics related to DV) in Prizren and Dragash/Dragaš		€872	€0	
Prevention	Organize workshops for Roma and Ashkali women with DV as a topic	PADVAP SO 1.2	?	€0	
Prevention	Organize five regional workshops on gender equality and women's rights, focusing on DV	PADVAP SO 1.2	€5,365	?	
Prevention	Mark international gender equality days	PADVAP SO 1.2	?	€3,450	
Prevention	Organize theatre performance promoting fight against DV and women's empowerment in Prizren	PADVAP SO 1.2	€0	€3,621	
Prevention	Promote awareness-raising on DV among women in rural Podujevë/Podujevo	PADVAP SO 1.2	€0	€1,755	
Prevention	Train journalists to report on DV cases	PADVAP SO 3.1	€0	?	
Prevention	Award journalist with the best story on DV	PADVAP SO 3.1	€0	?	
Protection	VAAD: Training for operating helpline	PADVAP SO 1.4; 2.1	?	?	
Protection	VAAD: Helpline equipment	PADVAP SO 1.4; 2.1	€26,276	?	
Prevention	VAAD: Awareness-raising about DV and Anti-Trafficking helpline	PADVAP SO 1.4; 2.1	?	€19,195	
Protection	Produce and publish <i>React Report: Emergency Protection Orders in Domestic Violence Cases</i>	PADVAP SO 2.1	?	€0	
Protection	Compile and release advice and assistance catalogue for DV victims	PADVAP SO 2.1	€8,360	?	

<sup>17</sup> All OSCE budgeted expenditures presented here only including the costs of the activity itself; they do not include the extensive human resources and other operational costs spent in 2011 or budgeted for 2012. Therefore OSCE spends substantially more on activities related to domestic violence than presented here.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	Publish in Romani and Turkish languages and launch catalogue of advice and assistance for DV victims	PADVAP SO 2.1	€0	€4,200	
Protection	Launch catalogue with advice and assistance for DV victims	PADVAP SO 2.1	€0	?	
Protection	Train CSWs, NGOs including shelters, VAs, police, media and judges on DV	PADVAP SO 2.2	?	€8,462	
Protection	Draft report on Kosovo responses to DV	PADVAP SO 2.1	?	€1,200	
<b>Partners Kosova</b>			<b>€2,791</b>	<b>€930</b>	
Protection	Provide mediation services in DV cases		€2,791	€930	
<b>Public International Law and Policy Group (PILPG)<sup>18</sup></b>			<b>€0</b>	<b>€300</b>	
Prevention	Organize workshops in 10 municipalities on DV for youth	PADVAP SO 1.2	?	?	
Protection	Police: Prepare pamphlets with information about places people can receive assistance	PADVAP SO 1.2	?	€300	
<b>Police</b>			<b>€409,500</b>	<b>€409,500</b>	
Prevention	Distribute material to inform population on forms of DV and institutions for reporting	PADVAP SO 1.4; LPADV	€1,500 <sup>19</sup>	€1,500	Yes: With RTK and donor support
Protection	Helpline (wages and salaries)	PADVAP SO 2.2; LPADV	€21,600 <sup>20</sup>	€21,600	Yes
Protection	Helpline (communication cost)	PADVAP SO 2.2; LPADV	?	?	Yes: MoU with PTK
Protection	DVIU: Investigate incidents, issue TEPO, testify, monitor PO implementation, monitor officers' performance (wages and salaries)	LPADV	€334,800 <sup>21</sup>	€334,800	No: Monitoring insufficient; some officers fail to carry out responsibilities
Protection	DVIU: Transportation costs	LPADV	€51,600 <sup>22</sup>	€51,600	No: Insufficient cars, fuel and maintenance
Protection	DVIU: Office supplies and equipment	LPADV	?	?	No: Insufficient computers, colour printers, cameras, USBs
Protection	DVIU: Emergency supplies (food, clothes for victims)	PADVAP SO 2.1	€0	€0	No budget line exists; police paid from pocket
<b>Office of the State Prosecutor</b>			<b>€38,012</b>	<b>€38,012</b>	
Protection	All costs related to prosecution spent on DV	PADVAP SO 2.1; LPADV; Law 03/L-225	€38,012	€38,012	No: Insufficient prosecutors, DV training, data

<sup>18</sup> PILPG expenditures do not include human resources and other operational costs. As PILPG dealt with various issues in addition to domestic violence a precise percentage of expenditures could not be calculated.

<sup>19</sup> The amount spent specifically on domestic violence was less than this because other topics were covered in the police newsletter.

<sup>20</sup> The amount spent specifically on domestic violence was less than this because police responded to other calls. The number of calls related to domestic violence was not logged.

<sup>21</sup> The amount spent was more than this because the time of other police officers who might initially respond to domestic violence calls or seek to prevent domestic violence is not included here.

<sup>22</sup> The amount spent specifically on domestic violence was less than this because this includes transport costs of all police units.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
<b>SOS Kinderdorf</b>			?	?	
Protection	Shelter and care for children		?	?	
<b>Terre des Hommes</b>			<b>€ 62,250</b>	<b>€ 59,575</b>	
Protection	Services offered to DV victims via CSWs		€6,200	€6,200	
Protection	Child protection activities for DV victims		€13,750	€12,075	
Protection	Case management for children suffering DV (staff)		€25,750	€22,800	
Protection	Operational costs (e.g., telephone, transport, rent, office supplies) for assisting DV victims		€11,400	€9,750	
Protection	Other costs for assisting DV victims		€5,150	€8,750	
<b>United Nations Development Programme (UNDP)</b>			<b>€101,977</b>	<b>€397,109</b>	
Protection	Support establishment of five legal aid offices and two mediation centres	PADVAP SO 2	€534 <sup>23</sup>	€534	
Prevention	PSA about DV shown in cinema	PADVAP SO 1.2	€5,760	€0	
Prevention	Awareness-raising on use of firearms during celebrations and in DV incidents	PADVAP SO 1.2	€4,310	?	
All	Preparation costs for developing GBV Program	PADVAP SO 3.2	€15,444	€0	
Prevention	WSSI: Promotional materials against DV	PADVAP SO 1.2	€2,141	?	
Prevention	WSSI: Documentary on DV and THB	PADVAP SO 1.2	€17,420 <sup>24</sup>	€0	
Prevention	WSSI: 16 Days of activism; campaign on "Global week against gun violence"	PADVAP SO 1.2	€7,539	€6,979	
Protection	WSSI: Support preparation/adoption of draft secondary legislation for LPADV	LPADV	€4,669	€5,040	
Protection	WSSI/Police: Support to DVIU and Child Abuse Investigation Section (digital cameras and dictaphones)	PADVAP SO 2.2	€5,660	€0	
Protection	WSSI/CPWC: Direct support to shelter in Prishtinë/Priština	PADVAP SO 3.2	€20,000	€10,002	
All	WSSI/KWN: Conduct study on state costs of DV	PADVAP SO 2.1	€18,500	€18,500	
Prevention	WSSI: Organize roundtables on GBV reporting with 8 newspaper editors and AIJ	PADVAP SO 1.2	€0	€5,427	
Prevention	WSSI: Train journalists on effective reporting on issues of GBV and ethics	PADVAP SO 3.1	€0	€6,973	
Prevention	WSSI: Sponsor award for best piece on GBV by local journalist	PADVAP SO 1.2	€0	€1,162	

<sup>23</sup> This is estimated based on UNDP's total budget for this activity (€231,660) divided by the total number of cases legal aid offices assisted (1,735) in 2011, multiplied by the four domestic violence cases assisted. As 2012 data was not yet available, the estimated costs for 2012 are the same, though additional domestic violence cases may be assisted in 2012. This is a rough estimate because domestic violence cases may take more or less time than other cases.

<sup>24</sup> The documentary cost more, but an instalment was paid in 2010.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
All	WSSI: Organize roundtable to identify gaps in services, map services and develop steps for each institution	PADVAP SO 1.2	€0	€3,877	
All	WSSI: Establish effective and transparent M&E system	PADVAP 2.1	€0	€12,873	
All	WSSI: Organize roundtables to establish effective and transparent M&E system with all stakeholders' participation	PADVAP 2	€0	€11,632	
Prevention	WSSI: One month campaign of MIA against THB	PADVAP SO 1.2	€0	€3,877	
Protection	WSSI: Roundtable to cultivate state institutions' will to continually fund shelters	PADVAP SO 3.1	€0	€3,877	
Protection	WSSI: Train judges, prosecutors and VAs	PADVAP SO 1.2	€0	€9,685	
Protection	WSSI: Training needs analysis for Kosovo Police	PADVAP SO 2.2	€0	€5,040	
Protection	WSSI: Train police based on training needs analysis	PADVAP SO 2.2	€0	€15,510	
All	WSSI: Organize roundtables with line ministries to adopt secondary legislation	LPADV	€0	€3,874	
All	WSSI: Develop CSO information management and advocacy capabilities	LPADV	€0	€34,866	
All	WSSI: Support CSOs to draft and publish common annual monitoring report	LPADV	€0	€7,326	
All	WSSI: Organize workshop to establish the DV Secretariat	PADVAP	€0	€5,811	
All	WSSI: Provide expertise and technical support for the Secretariat once established	PADVAP	€0	€12,164	
Protection	GBV: Introduce Law on DV and PADVAP to Legal Aid Commission officers and Chamber of Advocates on legal aid for victims	PADVAP SO 2.2	€0	€1,395 <sup>25</sup>	
Protection	GBV: Map social services in three pilot municipalities	PADVAP SO 2.1	€0	€4,650	
Protection	Global Gender Fund: Map social services in three pilot municipalities	PADVAP SO 2.1	€0	€13,000	
Protection	GBV: Pilot model for paralegal intervention in selected municipalities	PADVAP SO 2.2	€0	€35,805	
Rehabilitation	GBV: Map economic opportunities in three municipalities	PADVAP SO 3, 4	€0	€4,650	
Rehabilitation	GBV: Develop economic reintegration initiatives	PADVAP SO 3, 4	€0	€25,000	
All	GBV: Total management and operational costs	PADVAP; LPADV	€0	€98,580	

<sup>25</sup> Most of the following expenditures related to the UNKT GBV Program (for UNDP, UNICEF, UNFPA and UN Women) will be spent over the course of two years. It was unclear precisely how much would be spent in 2012 and 2013, respectively. Therefore these are all rough estimates.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
All	GBV: Administrative Agent and overhead	PADVAP; LPADV	€0	€4,000	
Protection	Support legal aid offices in Gjakovë/Đakovica and Dragash/Dragaš for free services for GBV survivors <sup>26</sup>	PADVAP	?	€25,000	
<b>United Nations Population Fund (UNFPA)</b>			<b>€2,200</b>	<b>€40,521</b>	
Prevention	Coordinate and plan awareness-raising (staff)	PADVAP SO 1.2	€2,200 <sup>27</sup>	€0	
Prevention	GBV: Youth-peer education	PADVAP SO 1.3	€0	€7,606	
Prevention	GBV: Awareness-raising of religious leaders	PADVAP SO 1.2	€0	€4,564	
Rehabilitation	GBV: Build institutional capacity of the health sector to address DV/GBV	PADVAP SO 3.1	€0	€10,857	
All	GBV: Train NGOs on GBV	PADVAP SO 2.2	€0	€4,944	
All	GBV: UNFPA Programme Assistant	PADVAP SO 3.2	€0	€2,967	
All	GBV: Operational costs	PADVAP SO 2.2	€0	€1,598	
Rehabilitation	GBV/KWN: Support MoH to draft medical protocols to assist DV victims; train staff on protocols (staff)	PADVAP SO 3.1	€0	€4,183	
Rehabilitation	GBV/KWN: Support MoH to draft medical protocols, etc. (operations)	PADVAP SO 3.1	€0	€3,803	
<b>United Nations Children's Fund (UNICEF)</b>			<b>€103,542<sup>28</sup></b>	<b>€95,310</b>	
Protection	Establish Council on Child Protection and Justice for Children	PADVAP SO 2.2	€12,070 <sup>29</sup>	?	
Protection	Support continued functioning of Council on Child Protection and Justice for Children	PADVAP SO 3.3	?	?	
Protection	Map the child protection system	PADVAP SO 2.1	€91,471	€0	
All	GBV: Organize scaling up activities for experience exchange and lessons learnt in pilot municipalities	PADVAP SO 1.2	€0	€18,600	
Prevention	GBV: Community-based DV programs targeting youth and dialogue with men	PADVAP SO 1.3	?	€16,275	
Prevention	GBV: Conduct baseline study on family values, attitudes and behaviours related to DV/GBV in three municipalities	PADVAP SO 1.4	€0	€37,185 <sup>30</sup>	
Protection	GBV: Conduct needs assessment and organize workshops in three pilot municipalities for social service professionals	PADVAP SO 3.1	€0	€23,250	

<sup>26</sup> Funding was provided by the Government of the Kingdom of the Netherlands.

<sup>27</sup> This is an underestimate; additional staff time and operational costs were spent preparing programs related to domestic violence.

<sup>28</sup> UNICEF also financed *Terre des Hommes*, but that is not included here. Please see *Terre des Hommes* above.

<sup>29</sup> As this and the next three expenditure lines represent the total amount spent, probably less than this went directly to assisting children who suffered domestic violence.

<sup>30</sup> Of this, €18,600 came from the UNKT GBV Program; UNICEF provided supplementary funding.

## Annex 1. Known Costs of Domestic Violence

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
<b>University of Prishtinë/Priština</b>			€0	€0	
Prevention	Introduce curriculum with topics on domestic violence and family relations in the psychology department	PADVAP SO 1.1	€0	€0	No plan to introduce this exists at the University
<b>UN Women</b>			€ 17,000	€165,080	
Protection	KJI: Train judges and prosecutors on DV and publish catalogues	PADVAP SO 2.1	€17,000	?	
Prevention	Raise awareness among youth regarding DV	PADVAP SO 1.3	€0	€7,500	
Protection	Develop modules on DV, property rights and women's rights for five two-day trainings for judges and prosecutors in five regions	PADVAP SO 2	?	€13,000	
All	Organize study visit to Albania for municipal authorities		€0	€4,000	
All	Office running costs, transport, communications, equipment and staff		?	€35,000	
Protection	GBV: Develop curriculum for ToT; municipal training for police and judicial actors	PADVAP SO 2	?	€5,000	
All	GBV: Analyse municipal budget processes and allocations to prevent DV; develop training modules on GRB; train municipal actors and NGOs to use GRB		€0	€60,000	
All	GBV: Support NGO advocacy to integrate responses to GBV in municipal plans and budgets		€0	€5,580	
Protection	GBV: Provide additional technical equipment for DVIUs in three municipalities	PADVAP SO 2	?	€20,000	
All	GBV: Meetings with municipal stakeholders to monitor activities against GBV; workshops to develop TORs; capacity needs assessment; training based on findings		€0	€15,000	
<b>U.S. Embassy</b>			€14,106 <sup>31</sup>	€17,665	
Protection	Direct support to Prizren shelter for salaries, travel, supplies, equipment, contracts, indirect costs	PADVAP SO 2	€0	€17,665	
<b>United States Agency for International Development (USAID)</b>			€146,878	€ 81,630	
Protection	IOM/CPWC: <sup>32</sup> Direct support Mitrovicë/Mitrovica shelter	PADVAP SO 3.2	€9,475	€0	
Protection	IOM/CPWC: Direct support for Prishtinë/Priština shelter	PADVAP SO 3.2	€9,478	€0	

<sup>31</sup> This includes funds provided to ICITAP, described previously and therefore not included in the grand total.

<sup>32</sup> All IOM activities were part of the Kosovo Anti-Trafficking Program (KAP), which targeted victims of trafficking and potential victims of trafficking, including domestic violence victims. All expenses are included based on the prior argument that persons who are trafficked often have experienced domestic violence as well.

Pillar	Activity	Law / Policy	2011	2012	Sufficient?
Protection	IOM/HHC: Direct support for shelter	PADVAP SO 3.2	€14,943	€16,119	
Protection	IOM/Liria: Direct support for shelter in Gjilan/Gnjilane	PADVAP SO 3.2	€33,005 <sup>33</sup>	€16,509	
Protection	IOM/Prizren: Direct support to shelter in Prizren	PADVAP SO 3.2	€32,828	€16,542	
Protection	IOM/PVPT: Direct support to shelter	PADVAP SO 3.3	€15,292	€16,495	
Rehabilitation	IOM/Liria: Income generating activities for shelter and case management	PADVAP SO 3.2	€11,583	€0	
Rehabilitation	IOM/NGOs: Manage reintegration cases (employee)	PADVAP SO 3.2	€474	€325	
Rehabilitation	IOM/Safe House Gjakovë/Đakovica: Income generating activities for shelter and case management	PADVAP SO 3.2	€11,583	€0	
Rehabilitation	IOM/NGOs: Grants for office supplies, fuel for visiting cases and other basic costs	PADVAP SO 3.2	€316	€217	
Rehabilitation	IOM: Grants for victims' reintegration into community	PADVAP SO 3.2	€7,901	€5,424	
Rehabilitation	IOM: Train community-based NGOs to provide reintegration assistance (IOM staff )	PADVAP SO 3.3	?	€0	
Prevention	Mercy Corps/ <i>Zensko Pravo</i> (Women's Right): Awareness-raising activities on DV	PADVAP SO 1.2	€0	(part of next line)	
Rehabilitation	Mercy Corps/ <i>Zensko Pravo</i> : Establish counselling centre for women	PADVAP SO 2.1	€0	€10,000	
<b>Women's Caucus</b>			<b>€2,000</b>	<b>?</b>	
Protection	Conduct study on LPADV implementation	Assembly Rules of Procedure, Annex 2	€2,000	?	
<b>Women's Committee for Human Rights</b>			<b>?</b>	<b>?</b>	
Protection	Open a new shelter (all expenses)	PADVAP SO 3.3	?	?	
<b>GRAND TOTAL</b>			<b>€3,060,116</b>	<b>€3,073,598</b>	

<sup>33</sup> Liria received two grants (from 2010-2011 and 2011-2012). This is the sum of the per cent of each grant received in 2011. The same is true for the shelter in Prizren for 2011.

## Annex 2. Comparing the PADVAP Budget with Actual Allocations

This table compares the budget foreseen by the PADVAP with the budget that institutions, donors and other actors have allocated. The first six columns derive from the PADVAP. The last three columns present findings. Zeros in the sixth column illustrate where the PADVAP did not foresee a budget, though many of these activities involve costs. Implementing activities involves more resources than the PADVAP foresaw.

Strategic Objective	Specific Objective	Activities	Responsible and Supporting Institutions	Time-frame	PADVAP Budget	Actor Allocating Budget	Amount Allocated 2011-2014	Explanation
1. Until 2014, establish efficient and comprehensive mechanisms for preventing domestic violence	1.1 Draft policies at central and local levels for prevention, protection and provision of services to victims and perpetrators of domestic violence	1. Develop programs for psychologists in schools	MEST, MED, working group, MLSW	2011-2012	€ 7,000 (KCB)	MEST	€ 0	No resource set aside for schools
		2. Draft programs for social workers. (MLSW has professional manual)			€ 70,000 (MLSW)	MLSW	€ 0	No budget allocation identified
		3. Introduce 40 pedagogues and psychologists in municipalities	MEST, municipalities, Municipal Education Departments	2011-2012	€ 34,560 (KCB)	MEST	€ 864,000	Completed. Additional funds allocated for 2013-2014
		4. Introduce curriculum with topics on domestic violence and family relations in the psychology department	Faculty of Philosophy	2011-2012	€ 21,600 (University)	University of Prishtinë/ Prishtina	€ 0	No budget allocation identified
	1.2 Sensitize society to domestic violence	1. Organize media campaigns focused on domestic violence	MLGA	2011-2014	€ 5,000	MLGA	€ 0	No budget identified
			MoJ		€ 1,500	MoJ	€ 0	No budget identified
			NGO, donors, media		€ 29,900 (institutions)	UNDP WSSI; KtK/KWN	€ 33,900	
		2. Organize roundtables with participation of community and relevant entities (media, central and local institutions, NGOs)	MoJ	2011-2014	€ 4,000	MoJ	€ 3,000	
			Central and local institutions (ministries and municipalities)			AGE, municipality, police	€ 22,479	
			NGOs, donors, media, AIJ			NGOs, donors, other actors	€ 188,695	
	1.3 Establish mechanisms for education and awareness-raising of youth on domestic violence	1. In the content of programming for children in radio and TV, include the issue of domestic violence	Media, journalists, donors (UNICEF, UNDP, UNIFEM), MCYS, theatres, AGE	2011-2013	€ 0		€ 0	No budget allocation identified for this specific activity. Some activities related to 1.2.2 target youth.

Strategic Objective	Specific Objective	Activities	Responsible and Supporting Institutions	Time-frame	PADVAP Budget	Actor Allocating Budget	Amount Allocated 2011-2014	Explanation		
2. Manage, until 2013, having efficient protection mechanisms for victims of domestic violence	1.4 Increase the number of reported cases	1. Update current database, including contribution by other institutions, with exception of MLSW, MoJ	Police, Public Prosecutors Office, courts, CSW, shelters, MoJ, MoH, donors	2012-2014	€ 150,000 (donors)		€ 0	No budget allocation identified		
		2. Educate the population on reporting domestic violence	AGE, media, schools, municipalities	2011-2013	€ 0	AGE, police, OSCE, PILPG/CLARD	€ 7,500	Activity 1.2.2 and 1.4.3 contribute to this		
		3. Inform the population about institutions where they can report domestic violence	Police, MoJ, media, Legal Aid Commission, AGE, schools, CSWs, municipalities, donors	2011-2013	€ 0			Activity 1.2.2 also contributes to this		
		4. Further develop the capacity of KP to change the approach towards violence, victims and perpetrators	Police	2011-2013	€ 0	Academy for Public Security, ICITAP, UNDP	€ 39,456	Additionally, regular police training costs		
	2.1 Ensure efficient services for physical protection of victims of domestic violence throughout Kosovo	1. Undertake a study on the coverage map with services for victims of domestic violence	AGE, police, shelters in cooperation with institutions, NGOs, donors		2011	€ 25,000 (donors, NGOs)		?	Other studies may contribute to this, but unclear whether budget exists	
		2. Develop social housing for sheltering and protecting victims of domestic violence	MoF, municipality, donors		2011-2014	€ 500,000 (municipalities, MoF, donors)	Municipality of Pejë/Peć	€ 75,000	For one shelter. Other municipalities allocated land, but additional housing not built	
		3. Set up a cooperation mechanism between municipalities to provide shelter to domestic violence victims	Municipalities, shelters		2011	€ 0 (shelters, municipalities)		€ 0	Not yet completed	
	2.2 Build capacities of stakeholders (police, prosecution, courts and CSWs) for handling domestic violence	1. Organize training for about 150 participants: judges, prosecutors, police, VAs, health and social workers, education staff, Legal Aid Officers	KIPA, AGE, KJI, Kosovo Police Academy, central institutions, donors		2011-2014	€ 200,000 (donors)	Donors, OSCE	€ 78,897	Also 1.4.4 and 3.1.2	
						€ 11,734 (institutions)	KIPA, KJI, MoH	€ 644	Also 1.4.4 and 3.1.2	
		2. Provide necessary equipment (communications, vehicles and phones) to address domestic violence cases	MoF, MLSW, police, municipalities, donors (UNDP), private operators, MoJ, MPA			2011-2014	€ 400,000 (KCB, donor)	Donors, OSCE	€ 51,936	
							€ 29,000		?	Amount allocated unclear, insufficient (see Annex 1)

Strategic Objective	Specific Objective	Activities	Responsible and Supporting Institutions	Time-frame	PADVAP Budget	Actor Allocating Budget	Amount Allocated 2011-2014	Explanation
		3. Provide sufficient space for stakeholders to handle domestic violence cases from reporting to trial	MoF, MLSW, MoJ, Police, courts, Public Prosecutor CSW, NGOs	2012-2013	€ 184,000		€ 0	No budget allocation identified
	2.3 Ensure free of charge legal aid to victims of domestic violence	1. Prepare brochures, leaflets to inform citizens about Legal Aid	Legal Aid Commission, MoJ, Parliament	2011-13	€ 15,000		€ 0	No budget identified. Informative materials under 1.2 and 1.4
		2. Sign cooperation agreements between institutions involved in treatment of domestic violence cases	Legal Aid Commission, institutions, NGOs	2011	No cost		€ 0	No budget allocation identified
		3. Develop SOPs for treating domestic violence victims; 1. Draft operative standard procedures to treat victims; 2. Draft minimal standards for offering services for victims, MLSW	MoJ, MLSW (working group, including central institutions and experts)	2011	€ 12,000 (donors, European Commission)	UNDP WSSI, OSCE, OPDAT	?	Budgeted but amount unclear
		3.1 Build and strengthen capacities of health care workers, social services and educational staff for providing services to domestic violence victims	1. Develop a medical protocol for treating domestic violence cases	MoH, experts, NGOs, donors	2011-2014	€ 3,000	MoH, UNFPA	€ 20,986
		2. Train healthcare staff to treat domestic violence cases (Train about 150,000 persons in the health and services sector)	MoH, NGOs	2011-2014	€ 37,000			
		3. Train shelter staff to identify clinical cases	NGOs, shelters, MLSW, MoH	2011-2014	€ 200,000		€ 0	No budget identified
		4. Train shelter staff on protection from STDs and HIV	MoH, experts, NGOs, donors			MoH	€ 3,000	
		5. Train journalists on reporting domestic violence	Journalists association, NGOs, experts, donors	2011-2014	€ 80,000 (donors)	UNDP WSSI, OSCE	€ 13,562	More than, as OSCE funds unknown
		6. Train social workers in CSWs on issues related to domestic violence	CSWs, NGOs, donors	2011-2014	€ 0	UNICEF	€ 46,500	
	3.2. Improve economic support policies for victims and perpetrators of violence	1. Develop economic programs in cooperation with donors and private operations, banks and businesses	MED, MLSW, AGE, MoF, donors	2012-2014	€ 0	UNDP, USAID/IOM	€ 66,233	

Strategic Objective	Specific Objective	Activities	Responsible and Supporting Institutions	Time-frame	PADVAP Budget	Actor Allocating Budget	Amount Allocated 2011-2014	Explanation
	3.3. Build and strengthen social services (health, education, social, economic, legal) for victims and perpetrators of domestic violence	1. Free of charge medical examinations for domestic violence victims, accommodated in shelters	MoH, MoJ, shelters, donors, private operators	2011-2014	€ 0	MoH	€ 0	Integrated in free medical treatment for all, but partially implemented. Costs exist for institutions
		2. Healthcare and social services for persons with special needs and victims of domestic violence	NGOs, MoH, donors, Mental Health Centres	2011-2014	€ 0	MoH, MLSW	?	Integrated in free health care and social assistance, but insufficient
		3. Vocational training for domestic violence victims	MLSW, MEST, NGO, CSW, donors, Business Centres for Professional Information	2011-2013	€ 120,000	Shelters	?	Minimal, insufficient funding within shelters' general budgets (incalculable)
		4. Mediation in employment of domestic violence victims	DLE, MLSW, RECs	2011-2013	€ 0	MLSW/REC	?	Integrated in REC employment services, but insufficient
		5. Social services for domestic violence victims interlinked with program for family empowerment	MLSW, CSW, SOS Family Empowerment Program, donors	2011-2013	€ 0		€ 0	No budget identified
4. Rehabilitation and permanent re-integration of domestic violence victims	4.1 Offer rehabilitation services, health and psychosocial treatment, as well as shelter to domestic violence victims	1. Offer rehabilitation and psychosocial services in shelters for domestic violence victims	MLSW, NGOs, shelters, municipalities, CSW	2011-2013	€ 800,000	MLSW, shelters, donors	?	Within shelters' overall budgets, but insufficient
		2. Offer free services and legal counselling for domestic violence victims and offer free legal protection for those victims	MoJ, VAs, police, courts, CSW	2011-2014		Legal Aid Offices, VAs, UNDP, NGOs	€1,265,055	Integrated in existing services; supported by donors, but transitioning to institutions
		3. Offer services and professional qualifications for domestic violence victims	MEST, directors for education in municipalities, CSW, MLSW-DLE, RECs/offices	2011-2014		MEST, shelters	?	Integrated in existing services, but insufficient
<b>PADVAP Actual Total Cost:</b>					€2,940,294		€2,780,842	
<b>PADVAP Official Total cost:</b>					€2,414,560			
<i>Difference between planned costs:</i>					€ 525,734			
<b><i>Difference between planned and allocated costs:</i></b>					<b>-€159,452</b>			

### Annex 3. Municipal Budget Revenues for Social Services by Population Size

The table shows municipal funds budgeted for social services in 2012.<sup>1</sup> The two budget lines subject to parliamentary approval, Mayor's Office (subsidies) and Social Services, are the only budget lines used to fund expenses related to addressing domestic violence.<sup>2</sup> The social services budget from DHSW tends to be used for domestic violence related activities. The average funds budgeted for social services per capita in municipalities is about €2.8 per year, which is the amount that could be used to finance activities against domestic violence at the municipal level.

Municipality	Subsidies	Social Services	Budget Sum	Population <sup>3</sup>	Indicator <sup>4</sup>
Glogovac/Glogovac	20,000	112,900	132,900	58,579	2.27
Fushë Kosovë/Kosovo Polje	-	60,412	60,412	108,690	0.56
Lipjan/Lipljan	29,000	66,040	95,040	15,839	6.00
Obiliq/Obilic	25,000	49,000	74,000	21,548	3.43
Podujevë/Podujevo	-	67,500	67,500	87,933	0.77
Prishtinë/Priština	310,000	333,000	643,000	198,214	3.24
Shtime/Štimlje	-	54,000	54,000	27,288	1.98
Gračanicë/ Gračanica	85,000	17,950	102,950	11,006	9.35
Dragash/Dragaš	35,000	52,700	87,700	33,584	2.61
Prizren	30,379	67,500	97,879	178,112	0.55
Rahovec/Orahovac	70,000	83,434	153,434	55,053	2.79
Suharekë/Suva Reka	65,000	71,000	136,000	59,702	2.28
Malishevë/Mališevo	60,000	65,308	25,308	54,664	2.29
Mamushë/Mamuša	3,000	8,954	11,954	5,513	2.17
Deçan/Dečani	10,314	53,807	64,121	38,984	1.64
Gjakovë/Đakovica	70,000	109,500	179,500	94,158	1.91
Istog/Istok	57,997	62,440	120,437	39,294	3.07
Klinë/Klina	70,465	54,884	125,349	37,585	3.34
Pejë/Peć	254,000	169,000	423,000	85,723	4.93
Junik/Junik	5,000	13,119	18,119	6,078	2.98
Leposaviq/Leposavić	7,635	-	7,635	15,839	0.48
Mitrovicë/Mitrovica	41,900	178,000	219,900	71,601	3.07
Skënderaj/Srbica	15,000	81,854	96,854	51,317	1.89
Vushtrri/Vučitrn	42,919	74,343	117,262	69,881	1.68
Zupin Potok/Zupin Potok	7,853	-	7,853	7,608	1.03
Zveçan/Zvečan	- <sup>5</sup>	-	-	8,603	0.00
Gjilan/Gnjilane	41,500	95,800	137,300	90,015	1.53
Kaçanik/Kačanik	18,000	39,186	57,186	33,454	1.71
Kamenicë/Kamenica	-	76,000	76,000	35,600	2.13
Novobërd/Novo Brdo	3,000	18,519	21,519	6,720	3.20
Shtërpcë/Štrpce	2,000	-	2,000	6,913	0.29
Ferizaj/Uroševac	70,000	85,883	155,883	10,869	14.34
Viti/Vitina	20,000	71,087	91,087	46,959	1.94
Partesh/Parteš	5,157	-	5,157	2,551	2.02
Hani i Elezit/ Đeneral Janković	12,000	15,170	27,170	9,389	2.89
Klllokot/Klokot	4,800	-	4,800	1,787	2.69
Ranillug/Ranilug	15,000	5,000	20,000	3,785	5.28
Total	1,506,919	2,313,290	3,820,209	1,690,438	N/A
Average	40,728	62,521	103,249	45,688	2.8

<sup>1</sup> Compiled by KWN based on the Republic of Kosovo, Law on the Budget of the Republic of Kosovo, 2012.

<sup>2</sup> KWN interviews with budget officers, 2012.

<sup>3</sup> The population size is based on preliminary census data.

<sup>4</sup> The indicator is the total social services budget divided by the municipal population. It represents the amount spent per person on social services in the municipality.

<sup>5</sup> The budget tables did not include information regarding some municipalities.

## Annex 4. List of Research Participants

The following institutions and organizations kindly offered their time to participate in this research either via interview, phone conversation or email correspondence. The list is in alphabetical order by institution and then by respondent.

#	Institution	Respondent	Position	Date
1	AGE	Edona Hajrullahu	Chief Executive	Feb-Mar-2012
2	AGE, Division for Administration Budget and Finance	Yllka Kotorri	Chief	Feb-Mar-2012
3	AGE, Division for Legislation	Leonora Selmani	Chief	Feb-Mar-2012
4	AGE, Reporting and Monitoring Division	Edi Gusia	Chief	Feb-Mar-2012
5	Assembly of the Republic of Kosovo Committee on Budget and Finance	Hykmete Bajrami	Committee Member	8-Mar-12
6	Assembly of the Republic of Kosovo, Committee on Human Rights, Gender Equality, Missing Persons and Petitions	Albana Gashi	Committee Member	Apr-12
7	Association of Professional Journalists of Kosovo	Imer Mushkolaj	Executive Director	Correspondence
8	Austrian Embassy, Technical Cooperation	Christian Geosits	Head of Office	19-Mar-12
9	<i>Barnatore Jeta Pharm</i> (pharmacy)	Jeton Beshiri	Pharmacist	13-Mar-12
10	British Embassy			Correspondence
11	Business Centres for Professional Information in MLSW	Jehona Namani		Correspondence
12	Centre for Protection of Women and Children (CPWC)	Naime Sherifi	Executive Director	17-Jan-12
13	CFD (Swiss)	Nina Hoessli	Coordinator Bosnia- Herzegovina and Kosovo	5-Apr-12
14	CLARD	Anton Nrecaj	Legal Advisor	9-Mar-12
15	CSW	Fitnete Kelmendi	Social Service Officer	1-Mar-12
16	CSW	N. N.	Head of Social Services	1-Mar-12
17	CSW	Zylfije Mujko	Social Service Officer	1-Mar-12
18	CSW in Dragash/Dragaš	Ibrahim Gashi	Director	6-Mar-12
19	CSW in Dragash/Dragaš	Shefqet Halili	Head of Services and Social Assistance Team	6-Mar-12
20	CSW in Gjilan/Gnjilane	Besim Selmani	Director	28-Feb-12
21	Department for International Development (DIFD, UK)			Correspondence
22	Department of Forensics	Arsim Gexhaliu	Director	Jul-12
23	District Court of Gjilan/Gnjilane	Zyhdi Haziri	Head	15-Mar-12
24	District Court of Mitrovicë/Mitrovica	Xhevdad Abazi	Head	16-Mar-12
25	District Prosecution Office in Gjilan/Gnjilane	Jetish Maloku	Chief Prosecutor	5-Feb-12
26	District Prosecution Office in Mitrovicë/Mitrovica	Shyqyri Syla	Chief Prosecutor	21-Mar-12
27	District Prosecution Office in Prizren	Mehdi Sefa	Public Prosecutor	5-Mar-12
28	Embassy of Finland	Jehona Ademaj - Sejdiu	Program Manager	15-Mar-12
29	Embassy of Finland	Vesa Kotilainen	First Secretary, Development Cooperation	15-Mar-12
30	Embassy of the Kingdom of the Netherlands	Emma Kay	Second Secretary, Political Section	6-Apr-12
31	Emergency Medical Centre Prishtinë/Priština	Basri Lenjani	Director	15-Jan-12
32	EULEX Justice Component	-	-	3-May-12
33	EULEX Police Component	-	Subject Matter Expert, Domestic Violence/Child Abuse	3-May-12
34	EULEX, Human Rights and Gender Office	Brigette Holzner	Gender Expert	Correspondence
35	EULEX, Human Rights and Gender Office	Violeta Rexha	Gender Officer	Correspondence

36	EULEX, Human Rights and Gender Office	William Romans	Human Rights Expert	Correspondence
37	European Union Office in Kosovo	Edis Agani	Task Manager, Social Development Team	11-May-12
38	GTZ/GIZ	Rrezarta Jashari	Youth Project Coordinator	Correspondence
39	Hope and Homes for Children (HHC)	Valbona Citaku	Executive Director	24-Jan-12
40	IOM, Kosovo Anti-trafficking Project (KAP)	Elvira Rasimi	Project Officer of KAP	27-Mar-12
41	IOM, KAP	Petrit Sopjani	Manager of KAP	Correspondence
42	KIPA	Enver Haxhijaj	Coordinator of Trainings	20-Mar-12
43	KIPA	Hysni Veseli	Executive Director	20-Mar-12
44	KJC	Enver Peci	Chair; Head of the Secretariat	3-Feb-12
45	KJI	Lumnije Krasniqi	Program Coordinator	7-Feb-12
46	KJI	Mary Aguirre	Special Advisor to KJI	7-Feb-12
47	KJI	Ramadan Gashi	Domestic Violence Trainer	12-Mar-12
48	Kosovo Academy for Public Security	Arjan Xhema	Lecturer and Trainer	23-Feb-12
49	Kosovo Academy for Public Security	Driton Zaberxha	Head of Mandatory Training	23-Feb-12
50	Kosovo Academy for Public Security	Xhemil Klinaku	Senior Official for Information and Public Relations	23-Feb-12
51	Kosovo Foundation for Open Society (KFOS)	Nita Luci	Board Member	Correspondence
52	Kosovo Police	Hamdi Hyseni	Director of Budget and Finance	23-Feb-12
53	Kosovo Police, Community Police	Fahredin Verbocvi	Head of Division	14-Jun-12
54	Kosovo Police, Division of Community Safety	Imer Thaqi	Director of the Division	12-Jun-2012
55	Kosovo Police, Dragash/Dragaš	Gezim Zogaj	Chief Executive Officer	13-Mar-12
56	Kosovo Police, DVIU, Mitrovicë/Mitrovica	Leonora Kelmendi	DVIU Officer	14-Mar-12
57	Kosovo Police, DVIU, Dragash/Dragaš	Hashim Januzaj	DVIU Officer	13-Mar-12
58	Kosovo Police, Office for Information and Public Relations	Baki Kelani	Head	2-Feb-12
59	Kosovo Police, Sector against Domestic Violence	Tahire Haxholli	Chief	
60	Kosovo Police, Training Division	Akrem Recaj	Director of Specialized Trainings	2-Feb-12
61	Kosovo Rehabilitation Centre for Torture Victims (KRCT)	Sebahate Pacolli	Medical Doctor	20-Mar-12
62	Kvinna till Kvinna (KtK)	Lina Andeer	Field Representative Kosovo	21-Mar-12
63	LAO in Dragash/Dragaš	Pellumbesha Bajraktari	Legal Officer	14-Mar-12
64	LAO in Gjilan/Gnjilane	Behar Idrizi	Legal Officer	15-Mar-12
65	LAO in Mitrovicë/Mitrovica	Bajramka Xhekovic	Administrative Assistant	21-Mar-12
66	LAO in Mitrovicë/Mitrovica	Hajrie Kutllovski	Legal Officer	21-Mar-12
67	Legal Aid Commission	Drita Rexhepi	Legal Aid Coordinator	13-Jan-12
68	Liria (Gjilan/Gnjilane)	Nazife Jonuzi	Executive Director	27-Feb-12
69	Medica Kosova	Veprora Shehu	Executive Director	6-Jan-12
70	Mental Health Centre in Prishtinë/Priština	Sarije Doko	Head	21-May-12
71	Mercy Corps	Radovan Jovanovic	Deputy Chief of Party	22-Mar-12
72	MEST	Fatime Jasiqi	GEO	12-Jan-12
73	MEST	Merita Jonuzi	Child Rights Officer	12-Jan-12
74	MEST	Minire Gashi	Budget Officer	12-Jan-12
75	MFMC in Dragash/Dragaš	Fehim Sadiku	Director of Emergency Centre	6-Mar-12
76	MFMC in Gjilan/Gnjilane	Valbon Milazimi	Director	15-Mar-12
77	MFMC in Mitrovicë/Mitrovica	Emine Kabashi	Vice Head	21-Mar-12
78	MIA, Anti-Trafficking Department	Rrahim Tërnavë	Officer	9-Feb-12

79	MIA, Department of Budget and Finance	Drita Hasani	Director	20-Feb-12
80	Ministry of Economic Development, Division of Budget and Finance	Agim Thaqi	Head	10-Feb-12
81	MLGA	Kadrije Myrtaj	Senior Officer for Gender Equality and Children Rights	6-Feb-12
82	MLGA	Luljeta Ibishi	Senior Executive Officer	6-Feb-12
83	MLGA, Administration and Finance Department	Nazmi Halimi	Director	6-Feb-12
84	MLGA, Legal Department	Agron Maxhuni	Director	6-Feb-12
85	MLSW	Ferinaze Isufi	GEO	1-Feb-12
86	MLSW, Department of Budget and Finance	Nexhat Sylja	Director	24-Jan-12
87	MLSW, DLE	Hafiz Leka	Head	1-Feb-12
88	MLSW, DSW	Bajram Kelmendi	Head	19-Jan-12
89	MLSW, DSW	Lirije Maksutaj	Officer for the Protection of Victims of Domestic Violence	26-Jan-12
90	MLSW, DSW, Division of Budget Analysis and Poverty Assessment	Mentor Morina	Head	26-Jan-12
91	MoF, Department of Central Budget	Agim Krasniqi	Director	6-Mar-12
92	MoF, Department of Central Budget	Petrit Popova	Director	6-Mar-12
93	MoF, General Directorate of Treasury	Xhevat Shabani		16-Mar-12
94	MoH	Nazmije Kajtazi	GEO	
95	MoH, Department of Budget and Finance	Muse Rexhaj	Director	20-Feb-12
96	MoH, Division for Human Rights	Sanie Kiqmari	Coordinator	25-Jan-12
97	MoJ, Correctional Services	Resmi Hoxha	Director	6-Feb-12
98	MoJ, Directorate of Administration and Personnel, Budget and Finance Division	Ramadan Bytyqi	Head	16-Feb-12
99	MoJ, Human Rights Unit	Florentina Beqiraj	Head	12-Jan-12
100	MPA, Department of Budget and Finance	Ibrahim Shabani	Director	18-Jan-12
101	MPA, Division for Human Rights	Armend Rugova	Coordinator	18-Jan-12
102	Municipal Court in Gjilan/Gnjilane	Ramiz Azizi	Head	15-Mar-12
103	Municipal Court in Mitrovicë/Mitrovica	Ramë Hyseni	Head	16-Mar-12
104	Municipality of Dragash/Dragaš	Salim Jenuzi	Mayor	13-Mar-12
105	Municipality of Dragash/Dragaš, Department of Finance and Economic Development	Ahmet Batjari	Director	6-Mar-12
106	Municipality of Dragash/Dragaš, DHSW	Ramadan Jashari	Director	6-Mar-12
107	Municipality of Dragash/Dragaš, Education Department	Hajri Ramadani	Director	6-Feb-12
108	Municipality of Dragash/Dragaš, Gender Equality Office	Lindita Kozmqai-Piraj	GEO	6-Mar-12
109	Municipality of Gjilan/Gnjilane, Department of Finance and Economic Development	Nuhi Nuhiu	Director for Finances, Economy and Development	28-Feb-12
110	Municipality of Gjilan/Gnjilane, DHSW	Xhemajl Salihu	Director	28-Feb-12
111	Municipality of Gjilan/Gnjilane, Education Department	Bujar Nevzati	Director	28-Feb-12
112	Municipality of Gjilan/Gnjilane, Gender Equality Office	Drita Klariqi	GEO	2-Mar-12
113	Municipality of Gjilan/Gnjilane, Mayor's Office	Omer Daku	Deputy Mayor	2-Mar-12
114	Municipality of Mitrovicë/Mitrovica, Department of Finance and Economic Development	Zenel Citaku	Finance Officer	1-Mar-12
115	Municipality of Mitrovicë/Mitrovica, DHSW	Shaqir Demiri	Director	1-Mar-12
116	Municipality of Mitrovicë/Mitrovica, Directorate for EU Integration and Social Welfare	Kastriot Jashari	Director	1-Mar-12
117	Municipality of Mitrovicë/Mitrovica, Education Department	Ali Bejta	Director	1-Mar-12

118	Municipality of Mitrovicë/Mitrovica, Gender Equality Office	Sanije Behrami	GEO	14-Mar-12
119	Municipality of Mitrovicë/Mitrovica, Mayor's Office	Avni Kastrati	Mayor	21-Mar-12
120	MYCS	Labinot Berisha	Coordinator for Human Security	20-Jan-12
121	MYCS, Youth Directorate	Xhevat Bajrami	Director	15-Feb-12
122	Norma	Valbona Salihu	Executive Director	1-Aug-12
123	Office of the State Prosecutor	Basri Kastrati	Office for Judicial and Prosecution's Evaluation and Verification	3-Apr-12
124	OHCHR	Arbena Kuriu		Correspondence
125	Ombudsperson Institution	Jashar Kastrati	Executive Director	31-Jan-12
126	Ombudsperson Institution	Luljeta Domaniku	Legal Counsellor for Gender Equality	31-Jan-12
127	One to One Kosova	Merita Halitaj	Executive Director	18-Mar-12
128	Open Door	Belgjyzare Muharremi	Executive Director	Jul-12
129	OSCE Mission in Kosovo	Claudio Formisano	Planning and Co-ordination Officer, Department of Head of Mission	Correspondence
130	OSCE Mission in Kosovo	Elena Garrido Romero	Senior Adviser, Department of Human Rights and Communities	9-Mar-12
131	OSCE Mission in Kosovo	Emily Patterson	Chief of Equality, Non-discrimination, and Anti-trafficking Section	Correspondence
132	OSCE Mission in Kosovo	Tatjana Shikoska	Senior Co-ordination Officer	Correspondence
133	OSCE Mission in Kosovo	Xhylijeta Devolli	National Legal Adviser on Women and Children	9-Mar-12
134	Partners Kosova	Shukrije Gashi	Director	20-Jul-12
135	PILPG	Henry McGowen	Chief of Party	12-Mar-12
136	Primary School in Dragash/Dragaš	Naser Meliqi	Head of Primary School, Teacher	6-Feb-12
137	Primary School in Gjilan/Gnjilane	Ahmet Aliu	Head	28-Feb-12
138	Probation Service of Kosovo	Metije Ademi	General Director	4-May-12
139	Probation Service of Kosovo, Division for Minors	Armen Mustafa	Probation Officer	4-May-12
140	Probation Service of Kosovo, Division of Conditional Release	Shpresa Elshani	Probation Officer	4-May-12
141	Prosecutor's Office in Mitrovicë/Mitrovica	Naim Beka	Prosecutor	21-Mar-12
142	Prosecutor's Office in Prizren	Arjana Shajkovci	Deputy Head	5-Mar-12
143	Prosecutor's Office in Gjilan/Gnjilane	Shefik Memeti	Prosecutor	5-Feb-12
144	Prosecutor's Office in Prizren	Arjana Shajkovci	Prosecutor	5-Mar-12
145	PVPT	Hamijet Dedolli	Executive Director	15-May-12
146	REC	Besa Dodaj	Budget Officer	10-Feb-12
147	REC in Dragash/Dragaš	Fitim Kurtishi	Director	13-Mar-12
148	REC in Gjilan/Gnjilane	Xhevat Aliu	Director	2-Mar-12
149	REC in Mitrovicë/Mitrovica	Ramadan Kelmendi	Director	14-Mar-12
150	Royal Norwegian Embassy	Nita Gojani	Project Manager	16-May-12
151	Safe House (Gjakova)	Sakibe Doli Dobruna	Executive Director	23-May-12
152	Secondary School in Dragash/Dragaš	Xhevdet Ibrahim	Head of the Secondary School, Teacher	6-Feb-12
153	Sheltering Centre for Women and Children (Prizren)	Jubilea Kabashi	Executive Director	19-Feb-12

154	Social Policies Institute	Gafurr Podovorica	Director	19-Jun-12
155	SOS Village	Blerta Perolli-Shehu		19-Jan-12
156	Swiss Development Cooperation	Merita Limani		Correspondence
157	Swiss Embassy, SCO-K, and Swiss Peace-building Office	Ardiana Efendija - Zhuri	National Programme Officer and Gender Focal Point	Correspondence
158	Terre des Hommes	Artur Marku	Director	19-Mar-12
159	U.S. Department of Justice ICITAP	Dee Dee Rodriguez	Anti-trafficking in Persons Program - Senior Advisor	10-May-12
160	U.S. Department of Justice ICITAP	Teuta Spahiu	Senior Program Assistant	9-Mar-12
161	U.S. Department of Justice OPDAT	Eliza Thana	Victim/Witness Advocacy Program Manager	14-Mar-12
162	U.S. Embassy	Merita Musmurati	Program Assistant	10-May-12
163	UN Women	Flora Macula	Head of Office	23-Mar-12
164	UNDP	Chris Decker	Program Coordinator, Governance Program	4-Apr-12
165	UNDP	Dana Landau	Program Analyst, Justice and Security Team, Governance Program	4-Apr-12
166	UNDP WSSI	Berenika Gashi	Knowledge Management Expert	12-Mar-12
167	UNFPA	Doina Bologna	Chief of Operations	9-Mar-12
168	UNFPA	Linda Abazi	Program Assistant	9-Mar-12
169	UNFPA	Visare Mujku-Nimani	Assistant Representative	9-Mar-12
170	UNICEF	Laura Fragiacomio	Child Protection Specialist/ Deputy Head of Office	8-Mar-12
171	UNICEF	Pia Hangaslahti	Child Protection Specialist	8-Mar-12
172	UNKT GBV Program	Fadil Isufi	GBV Municipal Program Coordinator	15-Mar-12
173	UNKT GBV Program	Senada Bekteshi	GBV Municipal Program Coordinator	13-Mar-12
174	UNKT GBV Program	Visar Gjakova	National Program Coordinator	10-Mar-12
175	USAID	Luljeta Gjonbalaj	Democracy and Governance Office	20-Mar-12
176	VAAO	Arta Kelmendi	Head of VAAO	16-Jan-12
177	VAAO	Fanol Plakiqi	Budget Officer	Correspondence
178	VAAO	Shenaj Berisha	Acting VAs Manager	11-Jun-12
179	VAAO, Gjilan/Gnjilane	Kujtesa Fazliu	Victim Advocate	28-Feb-12
180	VAAO, Mitrovicë/Mitrovica	Burhan M.	Victim Advocate	14-Mar-12
181	VAAO, Prizren	Ganimete Kitmiri	Victim Advocate	5-May-12
182	Women Caucus	Teuta Sahatqija	MP and Chair of Women's Caucus	Feb. 2012
183	Women's Committee for Protection of Human Rights	Snezana Karadzic	Executive Director	15-May-12
184	Women's Wellness Centre (Pejë/Peć)	Ardita Bala	Executive Director	1-Feb-12

## Annex 5. Previous Assessments regarding GRB and Domestic Violence

In Kosovo, there have been two prior GRB exercises. First, in 2007, the women's business association, She-Era, published a gender-budget analysis that examined the impact of fiscal policies on the poverty level of women in agriculture.<sup>1</sup> The second reported on the poverty level of rural women in Gjakovë/Đakovica region.<sup>2</sup> These studies scrutinized budgetary processes and the government's financial commitment to implementing programs on poverty reduction at the macro-level. The studies examined decision-making processes during budget planning and the impact of budgetary decisions on rural women's lives.

With support from UNDP, KWN conducted research on domestic violence in Kosovo, including the perceptions, extent and groups most impacted by domestic violence.<sup>3</sup> KWN also examined access to justice for domestic violence victims<sup>4</sup> and how violence impacts women's reproductive health.<sup>5</sup> This research offered insight into domestic violence in Kosovo, as well as informed the new LPADV and PADVAP. However, this is the first research in Kosovo to utilize GRB to examine government commitments to implementing the LPADV and PADVAP.

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<sup>1</sup> See She-Era, *Gender-Budget Analysis and Impact of Fiscal Policies on the Poverty Level of the Women in Agriculture*, Prishtinë/Priština: the Ministry of Agriculture Forestry and Rural Development, UNIFEM, She-Era, 2006.

<sup>2</sup> She-Era, *Gender Budget Analysis and the Impact of Fiscal Policies on the Poverty Level of Rural Women in Gjakova Commune*, Prishtinë/Priština: She-Era, 2007.

<sup>3</sup> KWN, *Security Begins at Home*, Prishtinë/Priština: AGE, 2008.

<sup>4</sup> KWN, *More than "Words on Paper"?* Prishtinë/Priština: UNDP, 2009.

<sup>5</sup> KWN, *Exploratory Research on the Extent of Gender-Based Violence in Kosova and Its Impact on Women's Reproductive Health*, Prishtinë/Priština: KWN, 2008.

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# AT WHAT COST?

## BUDGETING FOR THE IMPLEMENTATION OF THE LEGAL FRAMEWORK AGAINST DOMESTIC VIOLENCE IN KOSOVO



Domestic violence is among the most prevalent forms of gender-based violence in Kosovo. Institutions, organizations and a recently revised legal framework exist. Now, implementing the new Law on Protection against Domestic Violence in Kosovo, Program against Domestic Violence and Action Plan 2011-2014 and broader relevant legal framework requires resources and thus an accurate assessment of the costs affiliated with domestic violence. This research seeks to provide a comprehensive understanding of the costs associated with preventing domestic violence, protecting victims, prosecuting perpetrators and supporting their rehabilitation and reintegration, as per the applicable laws and policies in Kosovo.



Drawing from interviews with 184 representatives of institutions and organizations, this report estimates the cost of domestic violence to the state and donors in 2011 and 2012. The report also examines gaps in the existing legal framework; budget processes, "who decides where the money goes?" and how this impacts revenues and expenditures related to domestic violence; the extent to which relevant institutions have budgeted sufficiently for fulfilling their responsibilities; and a potential referral system toward more efficient and effective service delivery.



In conclusion, this report proposes strategies for institutions to overcome financial challenges to implementing their legal responsibilities related to domestic violence. These coupled with detailed recommendations seek to inform the Kosovo government's budget planning for 2013 and the next Medium Term Expenditure Framework.



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