



Kosovo Women's Network
Serving, Protecting and Promoting the Rights of Women and Girls

WITH FUNDING FROM



**AUSTRIAN
DEVELOPMENT
COOPERATION**



Sexual Harassment in Kosovo

Sexual Harassment in Kosovo

By Ariana Qosaj-Mustafa, Adelina Berisha, Nicole Farnsworth, and Iliriana Banjska

Kosovo Women's Network
Prishtina, Kosovo
2016

© Kosovo Women's Network, 2016

Authors: Ariana Qosaj-Mustafa, Adelina Berisha, Nicole Farnsworth, and Iliriana Banjska

ISBN 978-9951-8923-1-5

Printed by Night Design in Prishtina, Kosovo, using ecofriendly printing.

This research was funded by the Austrian Development Agency (ADA) with the funds of Austrian Development Cooperation. The views presented do not necessarily correspond with the views of the Austrian Development Agency.

www.womensnetwork.org

Contents

Acronyms.....	2
Acknowledgements.....	3
Executive Summary	4
The Legal Framework	4
Perceptions.....	4
Extent.....	4
Institutional Response	4
INTRODUCTION.....	5
Research Methods	5
About this Report	6
THE LEGAL FRAMEWORK ON SEXUAL HARASSMENT IN KOSOVO.....	7
Sexual Harassment in Kosovo's Applicable Law	7
Criminal Provisions Related to Harassment	10
Procedures for Making Harassment Claims.....	13
Conclusions	14
PERCEPTIONS ABOUT SEXUAL HARASSMENT	17
Perceptions Regarding Sexual Harassment at Work	19
Perceptions on Who Tends to Carry Out Sexual Harassment.....	20
Why Do People Think Sexual Harassment Occurs?	20
Conclusions	22
PERVASIVENESS OF SEXUAL HARASSMENT	23
Lifetime Prevalence	23
Prevalence in 2014	25
Who Perpetrated Sexual Harassment against Respondents?	29
Sexual Harassment at Work.....	30
Sexual Harassment at School	30
Consequences of Sexual Harassment	31
Citizens' Responses to Sexual Harassment	31
Conclusions	33
INSTITUTIONAL RESPONSES TO SEXUAL HARASSMENT	34
Civil Servants at the Municipal Level	37
Schools and Universities	38
Police	39
Prosecutors	41
Judges.....	43
Victim Advocates	44
Ombudsperson Institution.....	45
Conclusions	46
RECOMMENDATIONS.....	47
Annex 1. Research Methodology	49
Annex 2. The Survey	52
Annex 3. Interview Respondents	56
Bibliography	60

Acronyms

ADA	Austrian Development Agency
AGE	Agency for Gender Equality
ASK	Agency for Statistics in Kosovo
CC	Criminal Code
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CoC	Code of Conduct
CSO	Civil Society Organization
CSW	Centre for Social Work
EC	European Commission
EU	European Union
GRK	Government of the Republic of Kosovo
KGSC	Kosovar Gender Studies Centre
KIPA	Kosovar Institute for Public Administration
KWN	Kosovo Women's Network
LGBTQ	Lesbian, Gay, Bisexual, Transgender, and Queer
OSCE	Organisation for Security and Co-operation in Europe
RAINN	Rape Abuse Incest National Network
REC	Regional Employment Centre
UN	United Nations
UNDP	United Nations Development Programme
UNMIK	United Nations Interim Administration Mission in Kosovo
US	United States
VA	Victim Advocates
VAAD	Victim Advocates and Assistance Division
VTC	Vocational Training Centre

Acknowledgements

The Kosovo Women's Network (KWN) would like to express its gratitude to everyone involved in this research, including citizens and institutions who offered their time, energy, and thoughts. KWN thanks its hard-working and dedicated research team: Nicole Farnsworth (Lead Researcher, MSc), Ariana Qosaj-Mustafa (Legal Expert), and Assistant Researchers: Adelina Berisha, Iliriana Banjska, Nertila Qarri-Gërguri, Gresa Rrahmani, and Antonia Hoidal. Erëblina Elezaj offered her invaluable experience and expertise at no cost, assisting with the statistical analysis. Special thanks to Arbnora Kolgjera and Egzona Azemi for assisting with conducting interviews with institutions. Kaltrina Kelmendi (Assistant Professor, Department of Psychology, University of Prishtina) kindly provided support and psychological supervision for the research team and survey respondents, as needed.

We thank the following interns who donated several days or months of their time, transcribing interviews: Alma Ademi, Diçe Rizvanolli, Erleta Morina, Rënea Hasani, Hana Rizvanolli, Lejla Cana, Nita Bislimi, Marigonë Vrajolli, and Miranda Muharremi. We also thank the advisory group and peer reviewers: the Agency for Gender Equality in the Office of the Prime Minister (AGE); Organisation for Security and Co-operation in Europe (OSCE); Natasha Banfield; Driton Zeqiri, Sociologist; Hana Marku, KWN member; Lina Andeer, Gender Advisor at the EULEX Mission in Kosovo; and Violeta Rexha, Gender Officer at the EULEX Mission in Kosovo.

We are very grateful to the 46 surveyors who worked hard to complete all surveys on time and in a professional manner: Adni Kukesi, Agnesa Haxhiu, Aida Gashi, Arbnora Kolgjera, Ardian Batusha, Bardha Çelaj, Beshir Seferi, Dafina Halili, Dardan Ahmeti, Diana Shaka, Driton Gusia, Dua Dauti Kadriu, Edon Gërbani, Egzona Azemi, Eriša Xhemajli, Fanol Ahmetaj, Fjolla Vukshinaj, Flamur Kadriu, Florent Thaci, Gyltene Osmani, Ilir Miftari, Iliriana Banjska, Jetbardha Selmani, Jeton Dukagjini, Jeton Jashari, Jovan Rikallo, Katarina Besova, Leutrim Shahini, Leyza Mripa, Luan Bajraj, Lulzim Hasari, Marina Milosevic, Mergim Gerbeshi, Mrika Rizvanolli, Nevenka Rikallo, Ramadan Sokoli, Roland Sylejmani, Shenoll Rexhepi, Srdjan Milosevic, Suzana Emini, Uran Haxhiu, Valdrin Misini, Venera Cocaj, Vesna Stajic, Vilsona Blakaj, and Yllza Xheladini. Data entry was performed by Abetare Qarri, Adelina Berisha, Din Terpun, Edona Vatoci, Elona Osmani, and Gentiana Halimi.

Executive Summary

The Legal Framework

Kosovo has a plethora of laws that can be considered applicable in relation to sexual harassment. In civil proceedings, the Law on Gender Equality and Law on Protection from Discrimination define sexual harassment. While the Criminal Code defines harassment, it does not contain a specific definition of sexual harassment *per se*. Criminal provisions do provide advanced protections for vulnerable victims, including victims of sexual abuse. Internal regulations in different institutions and procedures for reporting sexual harassment remain insufficiently clear, hampering the implementation of these laws. Kosovo needs to streamline the plethora of laws, include a more specific definition of sexual harassment in the Criminal Code, and establish clear procedures for reporting. Otherwise, Kosovo will continue to lack *de facto* implementation of these laws, including individual claims of discrimination, gender-based discrimination, and sexual harassment.

Perceptions

A higher percentage of men than women tend to identify most forms of sexual harassment as such. Older people tend to be more likely than younger people to identify several (albeit not all) forms of harassment. When asked what sexual harassment means to them, 69.3% of survey respondents consider violent criminal offences, such as rape or attempted rape, forms of sexual harassment. Less than half of the survey respondents think that pressure for sexual favours (49%); touching, pinching, or pushing (49%); or whistling at someone in the street (43.8%) are forms of sexual harassment. Even fewer Kosovars consider other forms of sexual harassment as such, suggesting a general lack of awareness regarding what sexual harassment is. This can create challenges in implementing the legal framework.

A culture of “blaming the victim” when sexual harassment occurs is widespread, with approximately 74% of Kosovars believing that “women bring harassment problems on themselves by dressing or acting provocatively.” Slightly more women agree with this statement than men. Nearly a third of Kosovars believe that people naturally harass others when they are attracted to them and that such behaviour is “okay”. More men (35.4%) than women (26.9%) tend to agree that such behaviour is acceptable. Further, there is a fairly widespread belief among both women and men that “young women like being harassed” (40.5%).

Extent

An estimated 48.5% of Kosovars experienced some form of sexual harassment in their lifetimes and 45.2% did in 2014 alone. Women (64.1% of women) are significantly more likely to have experienced sexual harassment than men (32.5%), and younger people reported experiencing harassment more than older people. The most common form of sexual harassment respondents experienced was having someone make unwelcome sexual comments, jokes, or gestures, including while walking down the street. Respondents primarily were harassed by unknown persons, but also by acquaintances, friends, co-workers, teachers, bosses at work, and their partners. Both victims and witnesses of harassment tend to ignore it. Only 4.1% of all respondents ever reported sexual harassment to the authorities or knew someone who had.

Institutional Response

Most representatives of institutions tend to lack knowledge about sexual harassment, its definition, the relevant legal framework, and appropriate procedures for addressing it. This hampers their ability to effectively respond to sexual harassment cases. They tend to misunderstand sexual harassment as rape or sexual assault, while “less severe” forms are either unknown or considered unimportant. Some representatives of institutions blamed victims for sexual harassment. The fact that so few cases are reported or documented by institutions makes it difficult to evaluate the institutional response.

INTRODUCTION

Sexual harassment remains a fairly new concept in Kosovo. In 2014, a small action to “Take Back the Night” surprised women’s rights activists by igniting heated debate on social media. Stories emerged from the shadows. Youth called for reform. Other youth suggested there was much ado about nothing. Activists realized that little data existed in Kosovo regarding citizens’ awareness about and the pervasiveness of sexual harassment. A 2010 study by the Kosovo Gender Studies Centre (KGSC) looked at sexual harassment among civil servants. However, no data was available beyond public institutions, such as related to street harassment or sexual harassment at school. No other known research had dealt with this issue.

Debate surrounding the “Take Back the Night Campaign” strengthened KWN’s convictions that there was a great need to measure citizen awareness and attitudes, as well as the incidence of sexual harassment in Kosovo. This research aims to address the dearth of data about sexual harassment in Kosovo. It also seeks to monitor implementation of the relevant legal framework by the public institutions responsible. More specifically, KWN set out to answer the following research questions:

1. What is the incidence of sexual harassment in the street, at work, and in university environs?
2. What is the extent of Kosovo citizens’ knowledge regarding their rights pertaining to sexual harassment?
3. What are Kosovo citizens’ attitudes towards sexual harassment?
4. What is the institutional response to sexual harassment?

In this report, KWN takes a holistic approach to examining sexual harassment. While attending to legal definitions of harassment in accordance with Kosovo law, sexual harassment also can be understood more broadly as a form of sexual violence. Further, different forms of sexual violence can be interrelated. For example, sexual harassment can be part of and/or lead to other forms of sexual violence such as sexual assault or rape. Sexual violence can involve physical as well as psychological violence. In order to take a holistic approach to understanding sexual harassment, as well as to address the absolute dearth of information related to the extent of rape and other forms of sexual violence in Kosovo, KWN looks briefly into other forms of sexual violence *beyond* sexual harassment in this report, including rape and sexual assault.

Research Methods

This study is part of a broader research that KWN conducted starting in early February 2015 with the purpose of measuring the pervasiveness of two forms of gender based violence: domestic violence and sexual harassment.¹ The research involved mixed methods including a review of the legal framework to identify remaining gaps in the legal outface and its implementation; a review of statistical data gathered from relevant institutions; and a survey of 1,315 Kosovars (51% women and 49% men) to measure awareness, attitudes, and incidence of sexual harassment. The survey was conducted in both rural (59.2%) and urban (40.8%) areas. All ethnic groups were represented using Multistage Random Sampling Method. The research also involved interviews with approximately 200 different representatives of institutions and civil society. This research received generous support from the Austrian Development Agency with significant in-kind contributions from several dedicated individuals. For further information about the research methodology, please see Annex I.

¹ Last year KWN published the first report resulting from this research, which focused on domestic violence: KWN, *No More Excuses, An Analysis of Attitudes, Incidence, and Institutional Responses to Domestic Violence in Kosovo*, Prishtina: KWN, 2015, at: <http://www.womensnetwork.org/documents/20151124105025622.pdf>.

About This Report

This report first reviews applicable laws related to sexual harassment in the Republic of Kosovo, analyses shortcomings in the legal framework, and provides recommendations for addressing them. The second chapter examines the awareness, perceptions, and attitudes of Kosovars towards sexual harassment. Third, the report examines the pervasiveness of sexual harassment in Kosovo. Fourth, it examines institutional responses to sexual harassment. The report concludes with recommendations for the legal framework and for relevant stakeholders towards better addressing sexual harassment in Kosovo. The publication includes annexes with more information about the research methodology (Annex 1), the survey instrument (Annex 2), and a list of interview respondents (Annex 3).

THE LEGAL FRAMEWORK ON SEXUAL HARASSMENT IN KOSOVO

The Constitution of the Republic of Kosovo guarantees the dignity of each person as the basis of all human rights and fundamental freedoms.² The Constitution also states that for Kosovo to develop democratically, gender equality should be ensured as a fundamental value of the society. It provides for “equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life.”³ These fundamental principles are reflected in international conventions, such as the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the European Convention on Human Rights, and non-discrimination clauses in other conventions, all of which are directly applicable by virtue of the Constitution’s clause on the direct applicability of such principles in Kosovo law.⁴

However, the use of international principles in case-law is a rare to non-existent practice in Kosovo courts. Only in recent years has the Kosovo Constitutional Court pioneered the use of international case-law in its decisions.⁵ Although the use of directly applicable international conventions and international case-law in Kosovo’s courts is not widely practiced, the existence of these provisions still is important to reference in future claims for justice pursued by Kosovo’s citizens, including in sexual harassment cases.

Sexual Harassment in Kosovo’s Applicable Law

The guiding principles of international conventions, implemented through their respective protocols and recommendations, are further applicable in Kosovo’s legal framework.⁶ In CEDAW General Recommendation no. 19, sexual harassment against women is defined as “[U]nwelcome sexually determined behaviour [such] as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions.” Further, CEDAW emphasises that the discrimination banned under the Convention is not limited only to actions by the government. The state also has a responsibility to undertake appropriate measures and will 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.”⁷

Further, European Union (EU) directives define sexual harassment as instances when “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” Such acts are considered discrimination on the grounds of sex and EU member states are encouraged to prohibit such forms of discrimination.⁸ Based on the

² Constitution of the Republic of Kosovo, 2008, Art. 23, at:

<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>.

³ Ibid, Art. 7, para. 2.

⁴ Ibid, Art. 22.

⁵ See, for example, case-law of the European Court of Human Rights quoted in the Kosovo Constitutional Court Judgement, Case No. KI 41/12 applicants Gezim and Makfire Kastrati against Municipal Court in Prishtina and Kosovo Judicial Council. In this often cited case, the Kosovo Constitutional Court referenced CEDAW in its ground-breaking decision on the Diana Kastrati case. The Constitutional Court ruled that the court’s delay in issuing a protection order, foreseen by law, violated the person’s right to life, as guaranteed by international conventions directly applicable in Kosovo’s domestic legislation.

⁶ Ibid.

⁷ UN, CEDAW, General Recommendation No. 19 on Violence against Women, Paragraph 9, at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

⁸ See European Directive 2002/73/EC on Equal Treatment in Employment for Women and Men, supplemented by the European Directive 2006/54/EC, 5 July 2006 on Implementing the Principle of Equal Treatment of Women and Men in Employment and Occupation, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0073>. Additionally, the European Directive 2004 on Implementing the Principle of Equal Treatment of Men and Women in Access to Service

principle of human dignity and dignity of women, the EU approach focuses on condemning and prohibiting sexual harassment at work, including related to employment and vocational opportunities.

Kosovo's domestic laws are aligned with international standards, using wording from EU Directives in defining harassment, including conduct of a sexual nature under Kosovo's anti-discrimination legislation. Similar to the definition in the former Anti-Discrimination Law of 2004, the new Law No. 05/L-021 on the Protection from Discrimination, adopted in 2015, considers harassment a form of discrimination, defined under Article 4, paragraph 1.3 as:

when an unwanted conduct (including but not limited to unwanted conduct of sexual and/or psychological nature), which has the purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, degrading, humiliating or offensive environment based on the grounds set out in Article 1 of this Law.

Discrimination can be direct and indirect. Direct discrimination is considered "to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation." Sex, gender, gender identity, and sexual orientation appear among the "grounds" enlisted upon which persons can be discriminated.⁹

In cases when persons claim harassment, further victimisation may occur and Kosovo's Law on the Protection from Discrimination also forbids such discrimination if "a person suffers an adverse or negative consequences in response to a complaint or non-complaint (initiated procedure) or actions in order to apply the principle of equal treatment or when such person provides information, evidence or assistance in relation to the complaint procedure in case of discrimination."¹⁰ The Law applies to all persons, including legal persons, both in public and private bodies, in relation to any action or inaction which violates the rights of such persons in access or conditions of employment, vocational training, promotion or access to goods and services and social protection.¹¹ The new Law also foresees a novel procedure to file and submit a lawsuit in the competent court not only by individuals but also a group of persons who can jointly claim discrimination based on the grounds defined under Article 1 of the Law.¹²

In line with EU directives, the Law also foresees the procedure of shifting the burden of proof. This means that the person claiming discrimination or harassment before the court or other legal entity puts the burden of proof to the alleged responsible person. This person must prove that the accusations against him or her are not true by providing evidence that such acts have not occurred.¹³ This procedure should not be used in criminal nor criminal offence proceedings.¹⁴ During interviews, KWN did not find evidence of any instance in which the burden of proof was shifted to the alleged perpetrator.

The former Anti-Discrimination Law foresaw a range of fines for violations occurring under the law for legal persons, natural persons, independent contractors and persons exercising a public function, with fines ranging from €500 to €10,000.¹⁵ The new Law on the Protection from Discrimination has substantially decreased the fines, which now range from €400 up to a maximum of

Delivery and Use of Goods details further the equal access of women and men to services based on the principle of non-discrimination.

⁹ Different grounds for discrimination can be based on: "nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds" (Law No. 05/L-021 on the Protection from Discrimination, Art. 1.1 and 4, at: <http://www.kuvendikosoves.org/common/docs/ligjet/05-L-021%20a.pdf>).

¹⁰ Ibid, Art. 4, paragraph 1.5.

¹¹ Ibid, Art. 2.

¹² Ibid, Art. 13.

¹³ Ibid, Art. 20, paragraph 2.

¹⁴ Ibid, paragraph 3.

¹⁵ Anti-Discrimination Law, 2004, Art. 9.

€1,350.¹⁶ Additionally, mediation and reconciliation procedures are foreseen to be used by individuals, at their discretion.¹⁷ Any of the discrimination claims initiated in civil proceedings should be dealt with urgently as per the rules set out in the Law on Contested Procedure.¹⁸

Violations that involve criminal offences are handled in accordance with the Criminal Code of Kosovo. However, the new Law on the Protection from Discrimination does not specify which acts constitute criminal offences.¹⁹ Compensation also can be issued with a claim in a civil court, ordering a return to the previous situation before discrimination occurred or appropriate compensation for material or material damages. How appropriate compensation is calculated is not specified in the Law on the Protection from Discrimination.

In the more than a decade since its adoption in 2004, the implementation of the former Anti-Discrimination Law was hampered by vague court and administrative proceedings. The former Law seems to have had very few claims initiated and courts rarely used fines.²⁰ The OSCE also reported that few discrimination claims have entered Kosovo courts.²¹ The EU requirements for Kosovo institutions to deliver on the Visa Liberalisation Roadmap and the free movement conditions specifically requested the adoption of a new Anti-Discrimination Law, Ombudsperson Law, and Law on Gender Equality to address overlap in these laws, as well as to enhance their implementation.²² All three laws were revised in 2015 and the new law has made efforts to clarify hitherto unclear proceedings.

Sexual harassment also is defined and prohibited under the new Kosovo Law on Gender Equality adopted in 2015.²³ The new Law defines and prohibits sexual harassment, which means when “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”²⁴ Also, following a victim’s complaint of harassment, employers are forbidden from further victimizing the victim (e.g., by firing them from work or demoting them).²⁵ In comparison to the previous Law on Gender Equality of 2004, the punitive measures foreseen under the new Law have decreased substantially. The previous law foresaw sanctions ranging from €5,000 to €10,000 for employers and €1,000 to €3,000 for responsible persons.²⁶ The current fines are much lower, from €300 to a maximum of €900.²⁷ Collected fines are deposited in the Kosovo budget. Also, the Law states that acts of direct and indirect discrimination, as defined by the Law, should be sanctioned by the competent court, which should develop violation procedures to impose sanctions. However, the Law does not define specifically violation procedures, which poses a threat to the Law’s implementation. Generally, the sanctions foreseen by the new Law are much weaker than in the former law.

KWN could not identify any cases in Kosovo’s administrative or legal practice of employers or perpetrators receiving fines for sexual harassment under the provisions offered by the prior 2004 Law on Gender Equality or the Anti-Discrimination Law.²⁸ The Public Prosecution show only three cases

¹⁶ Art. 23.

¹⁷ Art. 21.

¹⁸ Law on the Protection from Discrimination, Art. 16.

¹⁹ Art. 17.

²⁰ While institutions have maintained little consolidated data on this, this is based on general observations made by interview respondents. For further information, see the section on institutional response below.

²¹ See, OSCE Mission in Kosovo, “Implementing the Anti-Discrimination Law: A challenge for Kosovo,” 2007, at: <http://www.osce.org/kosovo/25854?download=true>.

²² See second *Progress Report* by Kosovo in fulfilling the requirements of the Visa Liberalisation Roadmap, p. 7, at: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/second_commission_assessment_en.pdf.

²³ Kosovo Law on Gender Equality, Law No. 05/L-020, at: <http://www.kuvendikosoves.org/common/docs/ligjet/05-L-020%20a.pdf>.

²⁴ Ibid, Art. 3, para. 1.12.

²⁵ Ibid, Art. 4, para. 6

²⁶ Law No. 2004/2 on Gender Equality in Kosovo, Art. 17.3.

²⁷ Kosovo Law on Gender Equality, Art. 23.

²⁸ See Orgut Consulting, *Kosovo Country Gender Profile*, for the Swedish Embassy, Prishtina: 2014, at: http://www.swedenabroad.com/ImageVaultFiles/id_20757/cf_347/Orgut_Kosovo_Gender_Profile_FINAL_2014-05-08.PDF; and Norma, *Research and Monitoring the Implementation of the Law on Gender Equality*, Prishtina: Norma, 2011, p.

from 2011 to 2014 in which prosecutors requested punitive measures for offences against sexual integrity. Implementation of the new laws will need to be monitored closely so that their implementation does not remain an ongoing challenge for Kosovo in implementing human rights standards in protecting human dignity and equal opportunities guaranteed by the Constitution.

Another law that provides protection from discrimination is the Kosovo Law on Civil Service. This Law provides basic principles for entry into the civil service, protection from discrimination at work, and in occupational advancement. This is in accordance with the wider principle of non-discrimination, which forbids discrimination on the basis of gender or sexual orientation within the civil service. Additionally, equal opportunities are encouraged for ensuring equal gender participation in the civil service.²⁹ However, this provision is of a general nature, merely establishing the basis for what constitutes discrimination. No sanctions are mentioned with regard to violations, though the Law on the Protection from Discrimination arguably could be applied.

Provisions of the Law on the Protection from Discrimination also are applicable in relation to employers and employee relationships in the private and public sphere in accordance with the Kosovo Labour Law.³⁰ The Labour Law forbids all kinds of discrimination in relation to employment and occupation when it comes to recruitment, training, promotion, terms and conditions of employment including disciplinary measures, contract relations, and other employment relations. Under the Labour Law, a general clause details fines in cases of violations of these protections by a person or a legal entity, in a legal proceeding, with the fine ranging from €100 to €10,000.³¹

Criminal Provisions Related to Harassment

The Criminal Code does not define sexual harassment *per se*, but offers arguably relevant definitions under several articles. For example, Article 186 defines harassment as:

[A] pattern of repeated and unwanted attention or communication with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets or whoever places another under surveillance with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets; and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress.

The Criminal Code also explains that attention or communication under the definition of harassment includes “following or laying in wait; repeatedly appearing at the home, school, work or recreation place; making repeated phone calls; sending or leaving messages; sending text messages, mail or emails; or, leaving or sending unwanted gifts or other items.”³² For harassment, persons can be sentenced with up to three years imprisonment or a fine. If such an offence is conducted against a former or current domestic partner, the perpetrator shall be punished by imprisonment of six months to five years.³³

The Criminal Code also provides for further protections if acts occur against vulnerable victims, foreseeing higher sentences for several crimes. The Code defines a “vulnerable victim” as a “child, a physically or mentally handicapped person, a person suffering from diminished capacity, a pregnant woman, or a domestic partner.”³⁴ Even though sexual harassment is not mentioned explicitly, vulnerable victims of crimes involving harassment, sexual abuse, or violations of sexual integrity should be subject to further protections.

18. Also, see Luljeta Demolli for KGSC, *Perceptions of Civil Servants regarding Sexual Harassment in the Workplace*, Prishtina: KGSC, 2010, p. 10.

²⁹ Kosovo Law on Civil Service, Law No. 03/L-149, Art. 5, at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>.

³⁰ Labour Law, No. 03/L-212, Art. 5.5.

³¹ Ibid, Art. 92.

³² Criminal Code of Kosovo, Art. 186, paragraph 4.

³³ Ibid, Art. 186, para. 2.

³⁴ Ibid, Art. 120, para. 37, at: <http://www.assembly-kosova.org/common/docs/ligjet/Criminal%20Code.pdf>.

Under Article 198, claims can be made for cases of mistreatment by persons exercising their official duty or public authorization such as officials that abuse their position or authority, mistreat, intimidate, or gravely insult the dignity of another person. Officials in such cases shall be punished by imprisonment of up to three years.³⁵ If a child has been violated in such cases, this is considered an aggravating circumstance for the perpetrator and imprisonment is longer, from six months to five years.³⁶ The definition of what constitutes mistreatment by persons exercising official duties is vague in the law. How specifically a person's dignity may be violated also is not defined clearly within the Criminal Code.

The requirement for a "pattern" or "repeated" acts is problematic in that harassment, including sexual harassment specifically, could occur a single time and not necessarily as part of a pattern. Whether it occurs once or it occurs several times, it should be prosecuted. Additionally, the phrase "with the intent to" arguably complicates the definition of harassment. The "intent" of a person in carrying out harassment acts may be difficult to prove in a court of law and frankly should not be required as evidence as to whether harassment occurred because it speaks to why a person perpetrated the crime rather than whether the crime itself was committed. Further, the requirement for emotional distress to be "substantial" also seems unnecessary; any emotional distress caused by harassment should be considered.

While "substantial emotional distress" is not defined specifically, perhaps it could be demonstrated if, for example, the court were to order expertise evidence and a psychologist could provide an assessment. KWN found next to no examples of substantial emotional stress being claimed during harassment cases. In only one instance did a Victim Advocate report to have presented emotional distress as material evidence in the Mitrovica court when dealing with the case of a minor girl who had pressed charges against her school director.³⁷ The Victim Advocate invited a psychologist during the trial to speak to whether the girl had experienced serious emotional disturbance as a result of sexual harassment. The psychologist evaluated that "From the moment that harassment took place she [the victim] experienced emotional disturbance, such as sleeping problems, eating problems, and learning problems that affected her good grades, since she used to be a very good student. During this period, she failed to learn." According to the Victim Advocate, the court accepted these elements as evidence, the perpetrator was convicted, and he was sentenced to 3.5 years in prison. KWN was unable to identify any other case in which substantial emotional distress was used as evidence in court.

Considering the ambiguities in the current definition of harassment, KWN would propose revising it, towards clarity, as follows:

Any act, attention, or communication that places another under surveillance; harasses; intimidates; injures; damages property; involves threats to damage property, injure, or kill another person or his or her family or pets; and/or places a person in reasonable fear of death, grievous bodily injury, damage to property, or emotional distress. Attention or communication includes following; laying in wait; repeatedly appearing at the home, school, work or recreation place; making repeated phone calls; sending or leaving messages including through social media; sending text messages, mail, or emails; or, leaving or sending unwanted gifts or other items.

Additionally, a specific definition of sexual harassment in line with definitions of sexual harassment in other laws should be included in the Criminal Code with sanctions.

Beyond harassment and mistreatment, the Criminal Code also defines "Sexual Assault" in Article 232 as acts that involve:

[T]ouching a person for a sexual purpose or induces such person to touch the perpetrator or another person for a sexual purpose, without the consent of such person [or when] the

³⁵ Ibid, Art. 198.

³⁶ Ibid, Art. 198, para. 2.

³⁷ KWN interview with a Victim Advocate, 2015.

perpetrator knows that the person is exceptionally vulnerable because of age, diminished mental or physical capacity, physical or mental disorder, disability, or pregnancy.³⁸

In such cases, the foreseen imprisonment ranges from one to seven years. In cases when the perpetrator is a teacher, a religious leader, a healthcare professional, a person entrusted with a person's upbringing or care, or has a position of authority over the person, imprisonment is foreseen for at least ten years to life.³⁹ Sexual assault also includes circumstances of touching another person in a sexual way and for a sexual purpose.⁴⁰

Other relevant criminal provisions are using or involving a child in making or producing live performances⁴¹ of a sexual nature or production of child pornography, with perpetrators sentenced from one to five years imprisonment. Additionally, selling, distributing, promoting, displaying, and offering child pornography also is considered a criminal offence with imprisonment ranging from six months to five years.⁴²

Further, sexual harassment may involve or lead to acts against the sexual integrity of a person. The Criminal Code of Kosovo also recognises the exploitation of a situation in which a person is vulnerable or his or her security is in danger including when the perpetrator is in a position of authority over the person or is a caretaker, teacher, religious leader, or healthcare professional.⁴³ In these circumstances, criminal offences such as rape,⁴⁴ sexual assault, and degrading a person's sexual integrity are sanctioned and have imprisonment sentences ranging from two to fifteen years.⁴⁵

Sexual acts without the consent of a person are defined as "penetration however slight of any part of the body of a person with a sexual organ, or the penetration however slight of the anal or genital opening of a person with any object or any other part of the body."⁴⁶ Under Article 239 of the Criminal Code sexual abuse by a person abusing her or his position, authority, or profession against a person by subjecting a person to a sexual act, touching a person for a sexual purpose, or inducing another person to expose a person's body parts and denigrating a person's sexual integrity is a circumstance of abusing his or her control. Abuse of position can be carried out in relation to the financial, family, social, health, employment, educational, religious, or other circumstances of a person. In such cases, the perpetrator shall be punished by imprisonment of one to five years.

Failure to report any knowledge or information about the preparation or execution of a criminal offence also is punishable with a fine and up to three years imprisonment.⁴⁷ This means that officials and ordinary citizens alike have a legal responsibility to report any information that they have about criminal offences when they occur.

In conclusion, criminal provisions provide advanced protections against vulnerable victims, including victims of sexual abuse. However, they fail to offer a specific definition of sexual harassment *per se*. This affects the implementation of the Criminal Code and the protection of victims from sexual

³⁸ Criminal Code of Kosovo, Art. 232, para. 1 and 3.7.

³⁹ Ibid, Art. 232, para. 3.10.

⁴⁰ Ibid.

⁴¹ Live performance is defined as "live exhibition including means of information and communication technology and engaging a child in real or simulated sexually explicit conduct or of the sexual organs of a child for primarily sexual purposes" (Criminal Code, Art. 238, para. 5).

⁴² Ibid, Art. 238 para. 2.

⁴³ Ibid, Chapter XX Criminal Offences against Sexual Integrity.

⁴⁴ Under the Criminal Code, "rape" is defined as "1. Whoever subjects another person to a sexual act without such person's consent shall be punished by imprisonment of two (2) to ten (10) years." Further, "sexual assault" is defined as "Whoever touches a person for a sexual purpose or induces such person to touch the perpetrator or another person for a sexual purpose, without the consent of such person, shall be punished by a fine or by imprisonment of up to one (1) year." "Degrading of Sexual Integrity" is defined as "Whoever induces another person to expose the private parts of such person's body, to masturbate or to commit another act that degrades such person's sexual integrity, without the consent of such person, shall be punished by a fine or by imprisonment of six (6) months to one (1) year".

⁴⁵ Ibid, Art. 230, para 4.10; Art. 232, para. 3.10; and Art. 233, para. 3.10.

⁴⁶ Ibid, Art. 228, para. 3.

⁴⁷ Ibid, Art. 385 and 386.

harassment. It should be remedied through legislative amendments, as elaborated later in the Recommendations chapter.

In relation to street harassment, the Law on Public Peace and Order includes a vague clause for addressing verbal attacks: persons who in public places insult with words with the intention to provoke a breach of public peace and order. This is considered a minor offence with a fine ranging from €30 to €500 or imprisonment up to 40 days.⁴⁸ However, KWN did not find any evidence of individuals using this Law or claiming such violations in a court of law. KWN has received information that such cases have been reported to police, but that the cases were not taken seriously by police and thus were not referred to appropriate bodies,⁴⁹ namely the basic court, minor offense division.

Procedures for Making Harassment Claims

Under the Kosovo Law on Civil Service, the procedures for making administrative claims with regard to violations of the Law are more clearly defined than in the 2004 Anti-Discrimination Law and Law on Gender Equality. The newly adopted laws on protection against discrimination and gender equality have clarified some ambiguities. However, the filing procedure for alleged violations and recourse for violations of other articles pertaining to gender equality remain unclear.

The Law on Civil Service may be used only with regard to civil service relationships. This includes the central and municipal executive level administration, such as the Office of the Prime Minister and the Office of the President, Assembly of Kosovo staff, executive agencies, and independent and regulatory agencies.⁵⁰ In cases of violations of this law, civil servants and their employers undergo disciplinary measures.⁵¹ The initiation of criminal proceedings against civil servants halts disciplinary measures until there is a final criminal judgement. After the judgement, disciplinary proceedings may resume.⁵² Different disciplinary measures exist for violations of the principles of discrimination and equal opportunity, guaranteed by the Kosovo Law on Civil Service.⁵³ For example, in cases when senior management are accused of discrimination, a disciplinary commission should be formed.⁵⁴ While some interview respondents knew that commissions could be formed, no specific instances of such commissions actually being formed were reported.⁵⁵ Other public administration institutions regulated by special laws are subject to the provisions of the Kosovo Law on Civil Service unless a special law contains provisions that differ from the Kosovo Law on Civil Service.⁵⁶

Education and health institutions are subject to the provisions of special laws, rather than the Kosovo Law on Civil Service. For example, the Law on Pre-University Education states that “Access to and progression through all levels of university education and training will be provided in accordance with the provisions of the law without discrimination on the basis of actual or presumed, whether it is by: gender, race, sexual orientation, and physical disability.” Further, Article 4 on the “Protection of Vulnerable Groups, states: “A person employed in educational institutions, as established by this Law shall take all reasonable steps to ensure that students and staff are not hurt or exposed to offensive

⁴⁸ Kosovo Law on Public Peace and Order, No. 03/L-142, 2009, Art. 5, para. 2 at: <http://www.kuvendikosoves.org/common/docs/ligjet/2009-142-sh.pdf>.

⁴⁹ KWN roundtable with young activists and representatives of Kosovo Police, December 2014, Prishtina.

⁵⁰ Kosovo Law on Civil Service, Art. 1, at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>.

⁵¹ Ibid, Art. 51.

⁵² Ibid, Art. 63.

⁵³ Under the Kosovo Law on the Civil Service, the principle of Non-Discrimination states that “no one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status” (Art. 5, para. 1.2). The law defines the opportunity for communities and genders to have “equal opportunities for participation in civil service and institutions of central and municipal administrations. Equal opportunities for participation in civil service, bodies of public administration have members of both genders” (Art. 5, para. 1.9).

⁵⁴ Kosovo Law on Civil Service, Art. 72.

⁵⁵ KWN interviews, 2015.

⁵⁶ Kosovo Law on Civil Service, Art. 1.

words and actions.”⁵⁷ While this Law does not state which sanctions should be used if this happens, Law No. 2002/2 on Primary and Secondary Education in Kosovo states that “No person shall be appointed to a position within an educational institution who has at any time been convicted [...] Where a staff member is under criminal investigation for assault on or indecency with or involving children he or she should be suspended with pay from work until the final outcome of the investigating is known [*sic*].”⁵⁸

With regard to the healthcare system, the Law on the Rights and Responsibilities of the Citizens in the Health Care, Article 6, on the Right to Human Dignity, states that “In the course of medical treatment, the citizen’s human dignity, privacy, personal integrity and religious beliefs shall be respected.”⁵⁹ Further, “in the course of medical treatment, the citizen’s privacy shall be respected, and his clothing may therefore only be removed for the time and extent which is professionally justified.”⁶⁰ However, the Law does not explicitly address sexual harassment.

Revisions to the former Law on Gender Equality and Law on Anti-Discrimination should have specifically addressed the aforementioned deficiencies by also including special provisions regarding such institutions. However, both of these new laws require administrative instructions as sub-legal acts to be issued. These should ensure education and health institutions also have clear procedures for handling reports of sexual harassment.

Regulation No. 04/2011 on Disciplinary Proceedings in Civil Service, forbids sexual harassment in employment relations within the civil service by defining it as acts against “any civil servant, public official or a party defined as physical or verbal behaviour of sexual nature which violates the dignity of women and men at work and that is undesirable or offensive for individuals.”⁶¹ Cases of sexual harassment are considered grievous. All public administration institutions that employ civil servants should establish a disciplinary commission that issues disciplinary measures including for cases of sexual harassment. The procedure defined in Regulation No. 04/2011 requires that the Disciplinary Commission is composed of three members from the civil service appointed by the highest administrative manager of the institution, reflecting knowledge of the matter at stake and reflecting also gender diversity.⁶² Measures that may be issued by the Commission range from preventative suspension from work for up to three months, pending investigation; suspension from duties and withholding of salary for up to two months; removal from office and transfer to another location with similar duties; termination of employment and early retirement.⁶³ The Regulation, however, does not foresee the shift of the burden of proof in sexual harassment claims as required by the Law on the Protection from Discrimination.

The Kosovo Law on Civil Service also foresees the use of extra judicial settlement as a form of expediting procedures for resolution of conflicts in cases that may be resolved through internal administrative review. KWN could not find evidence as to whether such provisions have been used in practice for sexual harassment cases.

Conclusions

Considering the plethora of legal provisions (see Table I), the potential legal proceedings that could be employed in sexual harassment cases are vast. The diverse definitions of sexual harassment offered, poorly defined procedures for filing claims of harassment, and lack of clarity regarding

⁵⁷ Republic of Kosovo, The Law on Pre-University Education in the Republic of Kosovo, 2011, at:

<http://www.erisee.org/sites/default/files/Law%20on%20Pre-University%20Education%20in%20the%20Republic%20of%20Kosovo%20No.04-L%20E2%80%93032.pdf>.

⁵⁸ Republic of Kosovo, Law No. 2002/2 on Primary and Secondary Education in Kosovo, 2002, Art. 32, at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2428>.

⁵⁹ Republic of Kosovo, Law No. 2004/38, The Right and Responsibilities of the Citizens in the Health Care, 2004, para. 6.1, at: http://www.kuvendikosoves.org/common/docs/ligjet/2004_38_en.pdf.

⁶⁰ Ibid, para. 6.5.

⁶¹ Regulation No. 04/2011 on Disciplinary Proceedings in Civil Service, Article 6, paragraph 1.20, at <https://map.rks-gov.net/getattachment/47831aa8-5e46-45b5-bebc-70751da3ec07/RREGULLORE-NR-04-2011-PER-PROCEDURAT-DISCIPLINORE-N.aspx>.

⁶² Regulation No. 04/2011 on Disciplinary Proceedings in Civil Service, Art. 9.

⁶³ Ibid, Art. 8.

responsible bodies to which such claims should be addressed have hampered the implementation of these laws in Kosovo.⁶⁴ The generalness of the term “harassment” under criminal provisions also has made claims of sexual harassment almost non-existent in Kosovo’s courts. In fact, not a single case of harassment was reported to and/or recorded by police in 2013 and only seven cases were reported 2014.⁶⁵ KWN found no evidence of victims of sexual harassment using the 2004 Anti-Discrimination Law or the Law on Gender Equality as legal remedies.⁶⁶ Nor have the sanctions foreseen been imposed.

In the past, it has been recommended that Kosovo create a new law on sexual harassment.⁶⁷ However, KWN does not recommend establishing yet another law, which would further complicate the already unclear, unaligned, and over-complicated legal framework. Part of the problem is that too many laws and procedures exist with regard to sexual harassment. Instead, improved definitions and mechanisms for reporting should be put in place within the existing legal framework (see “Recommendations”). Sexual harassment as defined within criminal and civil law should be clarified in one place. Then, all other laws should refer to that law for the definition, procedures, and sanctions. Other laws may have a slightly modified definition to reflect different institutional settings, as needed.

⁶⁴ For further evidence, please see the chapter on “The Institutional Response.”

⁶⁵ For more details about the types of offences recorded by police, please see “The Institutional Response” section on police.

⁶⁶ As revisions to these laws were adopted in mid-2015 it was not possible to monitor their implementation in this research.

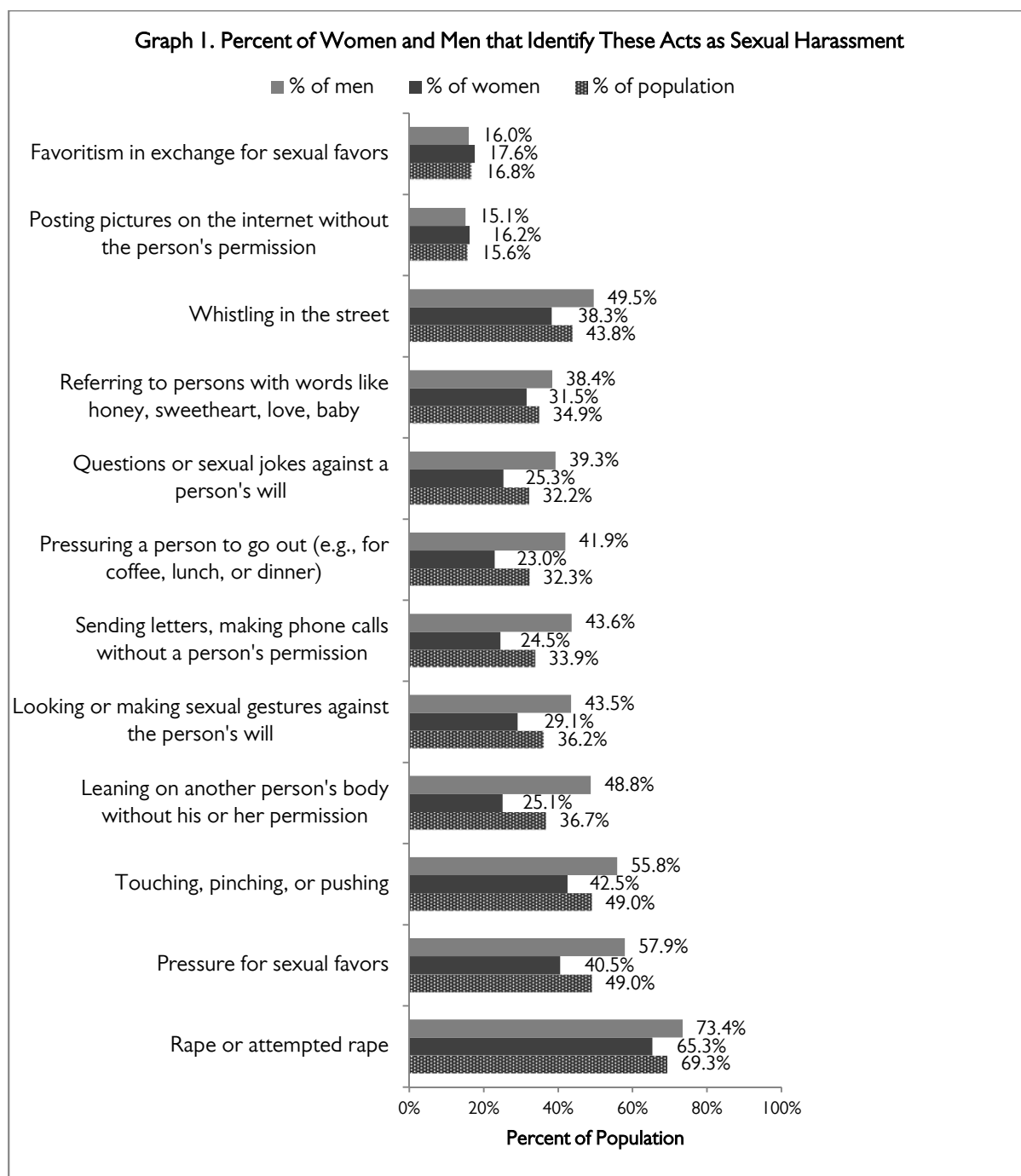
⁶⁷ KGSC, 2010.

Table 1. Summary of the Relevant Legal Framework Related to Sexual Harassment

Law	Article	Definition of sexual harassment (if at all)	Responsible Institution	Sanctions
Constitution, incorporating CEDAW into Kosovo Law	Art. 11	"[U]nwelcome sexually determined behaviour [such] as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions" (in CEDAW, General Recommendation No. 19)	Basic Court	Unclear
Law on the Protection from Discrimination	Art. 4, para. 1.3	"an unwanted conduct (including but not limited to unwanted conduct of sexual and/or psychological nature), which has the purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, degrading, humiliating or offensive environment based on the grounds set out in Article 1 of this Law"	Basic Court	€400 - €1,350
Criminal Code of Kosovo	Art. 186, 198	No definition for sexual harassment, but only for harassment: "[A] pattern of repeated and unwanted attention or communication with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets or whoever places another under surveillance with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets; and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress. [...] following or laying in wait; repeatedly appearing at the home, school, work or recreation place; making repeated phone calls; sending or leaving messages; sending text messages, mail or emails; or, leaving or sending unwanted gifts or other items."	Basic Court	Prison ≤3 years or fine; by domestic partner, 6 months to 5 years prison; by officials, ≤3 years prison; if child violated, 6 months to 5 years prison
Kosovo Law on Gender Equality	Art. 3	"any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment."	Basic Court	Fine: €300 - €900
Kosovo Law on Civil Service	Art. 5, para. 1.2, 1.9	"no one shall be discriminated against on grounds of race, color, gender, [...] sexual orientation, birth, disability or other personal status"; and "equal opportunities for participation in civil service, bodies of public administration have members of both genders"	Basic Court, Minor Offence Division	No sanctions stated; could apply Law on the Protection from Discrimination
Kosovo Labour Law	Art. 5.5, 9.2	Forbids discrimination in relation to employment and occupation when it comes to recruitment, training, promotion of employment, terms and conditions of employment, including disciplinary measures, contract relations, and employment relations.	Basic Court	Fine: €100 to €10,000
Law on Public Peace and Order	Art. 5	Does not define sexual harassment, but considers a minor offense: persons who in public places insult with words with the intention to provoke a breach of public peace and order.	Basic Court, Minor Offence Division	Fine: €30 to €500; Prison: ≤ 40 days if fine not paid.

PERCEPTIONS ABOUT SEXUAL HARASSMENT

This chapter examines people's perceptions and attitudes towards sexual harassment, based on the Kosovo-wide survey. When asked what sexual harassment means to them, most survey respondents (69.3%) consider violent criminal offences, such as rape or attempted rape, forms of sexual harassment (see Graph 1).



Less than half of Kosovars think pressure for sexual favours (49%); touching, pinching, or pushing (49%); or whistling at someone in the street (43.8%) are forms of sexual harassment. Approximately one-third consider the following acts forms of

“Following you and whistling are not sexual harassment.”

- Woman, age 57, Kamenica

sexual harassment: leaning on another person's body without his or her permission; looking or making sexual gestures against a person's will; sending letters or making phone calls without a person's permission; pressuring a person to go out (e.g., for coffee, lunch, or dinner); asking questions or making sexual jokes against a person's will; and referring to persons with words like "honey," "sweetheart," "love, or "baby". Very few people consider posting pictures on the internet without a person's permission (15.6%) or favouritism in exchange for sexual favours (16.8%) (e.g., receiving better grades in education, a promotion at work, or a pay raise) forms of sexual harassment.

Other acts that individual survey respondents identify as forms of sexual harassment include: "when someone makes you do something without your consent", "a provocative act towards another person," and "disrespect of girls/women by boys/men". Others said that sexual harassment was "immoral" or "something bad". A few respondents interpreted sexual harassment to mean "when my husband wants sex, but I don't" or "when a father harasses his daughter."

"Women don't think it is sexual abuse if it comes from their husband."

- Representative, Mental Health Center

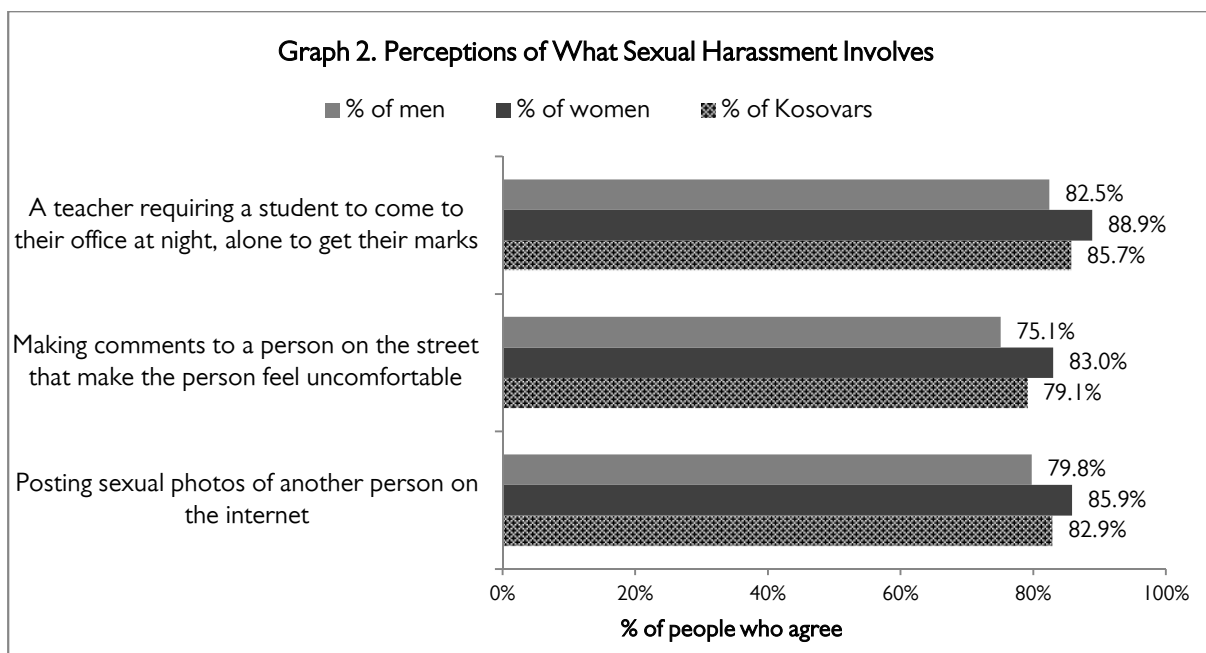
As Graph 1 suggests, a significant relationship seems to exist between gender and perceptions of what constitutes sexual harassment. In general, a higher percentage of men than women, tend to identify most forms of sexual harassment as such.⁶⁸ KWN found that respondents ages 56-64 are more likely to consider the following acts as forms of sexual harassment: sending letters or making phone calls without a person's permission; making questions or sexual jokes against a person's will; whistling in the street; and posting pictures on the Internet without the person's permission.⁶⁹ Persons over age 56 are more likely than other age groups to consider pressuring a person to go out (e.g. for coffee, lunch or dinner) and referring to persons with words like honey, sweetheart, love, or baby as sexual harassment.⁷⁰ Thus, in sum, older people tend to be more likely than younger people to identify several forms of harassment as such.

Kosovars tend to agree that "a teacher requiring a student to come to their office at night, alone to get their marks" is a form of sexual harassment (85.7%), though a slightly higher percentage of women (88.9%) consider this sexual harassment than men (82.5%). As Graph 2 illustrates, slightly more women (83%) than men (75.1%) consider making comments to a person on the street or posting sexual photos of another person on the internet forms of sexual harassment (85.9% of women compared to 79.8% of men).

⁶⁸ KWN ran a Chi-square test, which at a 95% confidence level shows that men are more likely than women to consider the following as sexual harassment: violent pressure for sexual favours; touching, pinching or punching; leaning on another person's body without his/her permission; looking or making sexual gestures against the person's will; sending letters, making phone calls without a person's permission; pressuring a person to go out (e.g. for dinner, lunch, coffee, etc.); posting pictures on the internet without the person's permission. A Chi-square test at a 95% confidence level shows that of all forms of sexual harassment, women are more likely than men to consider favouritism in exchange of sexual favours a form of sexual harassment. No statistically significant difference exists between men and women in defining the following as forms of sexual harassment: rape or attempted rape, questions or sexual jokes against a person's will, referring to persons with words like honey, sweetheart, love, baby, etc., and whistling in the street.

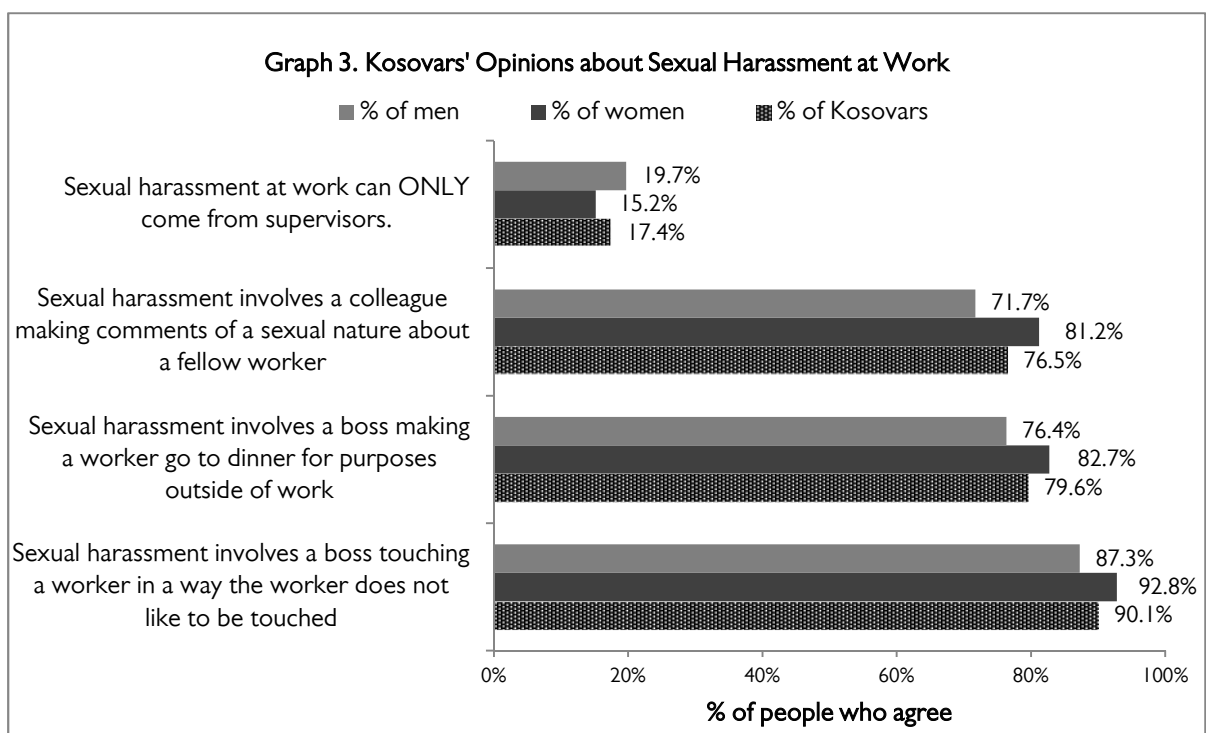
⁶⁹ Chi-square test at 95% confidence level.

⁷⁰ Chi-square test at 95% confidence level. No statistically significant difference exists across age categories for the other forms of sexual harassment.



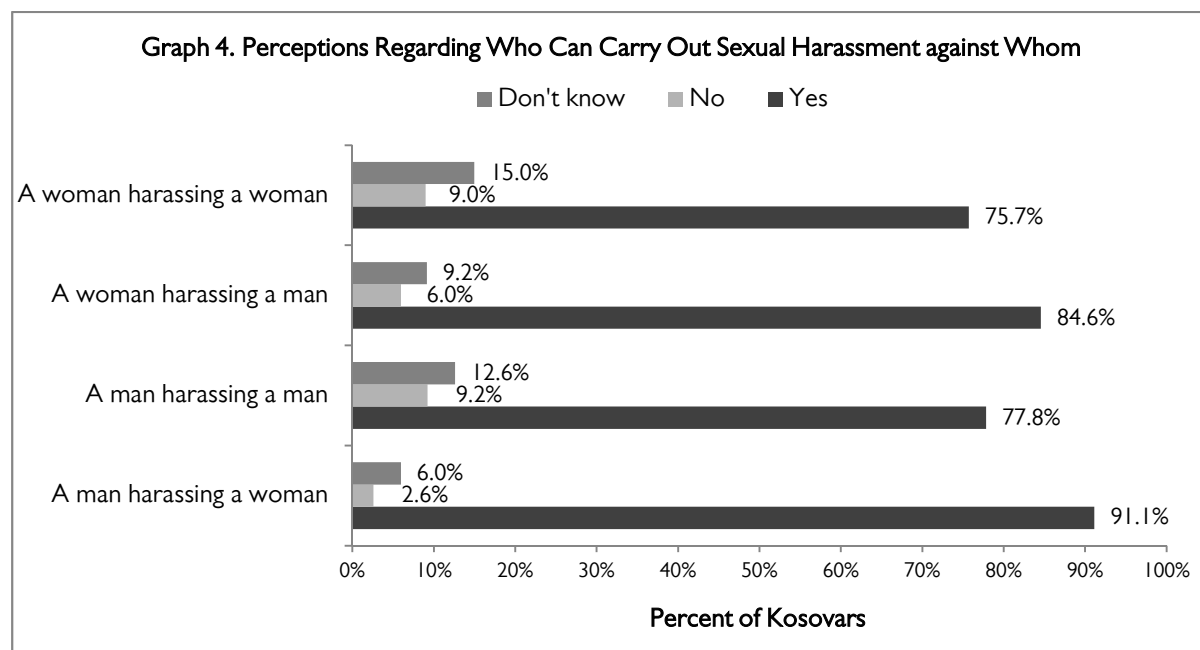
Perceptions Regarding Sexual Harassment at Work

Most Kosovars know that supervisors are not the *only* persons who may engage in sexual harassment at work (69.7%). Most think that a boss making a worker go out to dinner for purposes outside of work can constitute sexual harassment (79.6%). As Graph 3 illustrates, slightly fewer men (71.7%) than women believe that sexual harassment can involve a colleague making comments of a sexual nature about a fellow worker; a boss making a worker go to dinner for purposes outside of work (76.4% of men); or a boss touching a worker in a way that the worker does not like (87.3% of men).



Perceptions on Who Tends to Carry Out Sexual Harassment

As Graph 4 illustrates, most Kosovars agree that men harassing women is a form of sexual harassment (91.1%) and that women can harass men as well (84.6%). Slightly fewer people believe that a woman can harass a woman sexually (75.7%) or a man can harass a man (77.8%). This suggests that some Kosovars lack awareness that sexual harassment can occur among homosexual persons. While women and men tend to have similar perceptions, women are more likely than men to think that sexual harassment can involve a woman harassing a woman.⁷¹



Why Do People Think Sexual Harassment Occurs?

Nearly a third of Kosovars (31.1%) believe that people naturally harass others when they are attracted to them and that such behaviour is “okay”. Another 15.1% do not know if such behaviour is “okay” or not. More men (35.4%) than women (26.9%) tend to agree that such behaviour is okay.⁷² There is a fairly widespread belief among both women and men that “young women like being harassed” (40.5%). Further, approximately 74% of Kosovars believe that “women bring harassment problems on themselves by dressing or acting provocatively” (Graph 5). Slightly more women (77.6%) agree with this statement than men (70.3%).⁷³ Only 16.3% of Kosovars disagree with this statement, while 9.5% do not know.

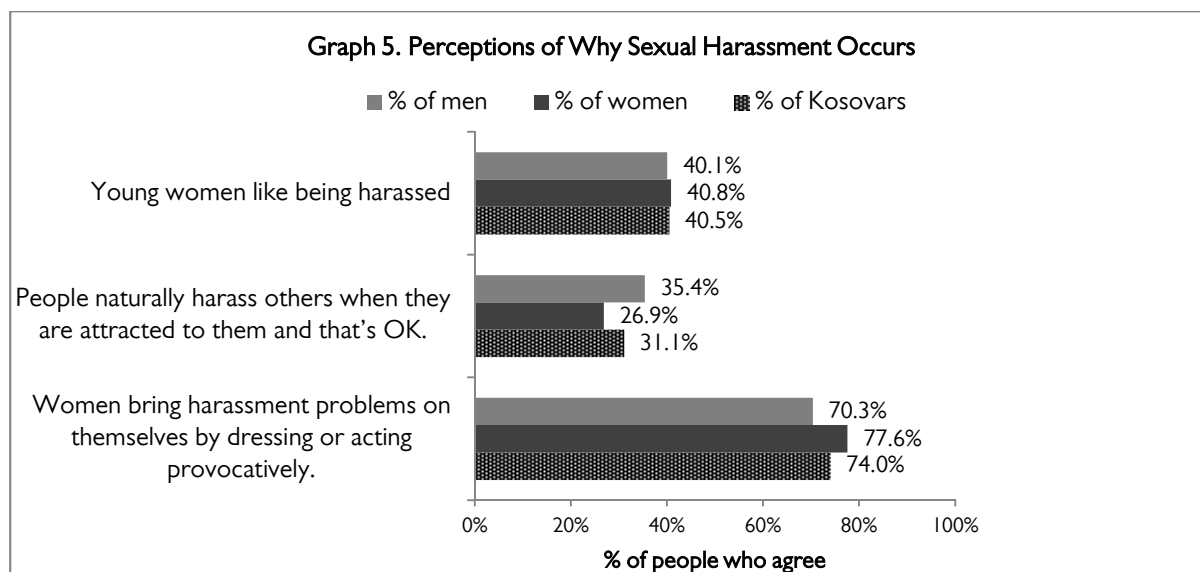
“Without the female dog acting, the male ones won’t follow.”

- Woman, age 65, Gillogoc, speaking about women wearing provocative clothing

⁷¹ Statistically significant, using a Chi-square test at a 95% confidence level.

⁷² A Chi-square test and correlation at a 95% confidence level show that men are more likely to agree with this statement than women.

⁷³ A Chi-square test suggested a statistically significant relationship. However, it is close to the limit (0.045), and the correlation is statistically insignificant possibly due to rounding (0.045 to the 0.05 limit).



The survey findings suggest that a culture of “blaming the victim” is rather widespread in Kosovo. “Blaming the victim” is when the person who was a victim of a crime is accused in part or whole for the crime committed.⁷⁴ A classic example is women traditionally being accused of being victims of sexual abuse ostensibly because of the clothes they were wearing when the crime occurred; because they were “asking for it”;⁷⁵ because they had lost their virginity; or because they had a “reputation” for dating men. Despite such perceptions, sexual harassment or abuse cannot be attributed to a victim’s clothing or actions. Nor can it be justified for any other reason. Sexual harassment is illegal and unjustifiable. A crime is a crime and the victim’s clothing or behaviour should not be considered relevant in court proceedings. Indeed, blaming the victim has been identified as a form of “secondary victimization” of the victim.⁷⁶

More accurately, the actual causes of sexual harassment can be attributed to power relations, especially among women and men, according to which men tend to possess more social power in most sociocultural contexts, including Kosovo today. In the Declaration on the Elimination of Violence against Women, the UN General Assembly recognized that:

Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. [...] Violence against women is a form of violation of human rights, and one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. Violence against women is an obstacle to the achievement of equality, development and peace.⁷⁷

Addressing the root causes of sexual harassment and other forms of sexual violence therefore involves undermining existing power relations among women and men. This includes tackling false perceptions and justifications for sexual violence occurring, such as victim blaming.

⁷⁴ This term was first coined by William Ryan in his book *Blaming the Victim* (1971) where he argued that this was an ideology used to justify crimes committed against black people in the United States. It has since been used in discussing sexual violence, including domestic violence. For further explanation and examples, see the Wikipedia article on “Victim Blaming” (https://en.wikipedia.org/wiki/Victim_blaming, accessed 24 January 2016).

⁷⁵ Nicky Ali Jackson, *Encyclopedia of Domestic Violence*, Taylor & Francis, 2007, p. 715.

⁷⁶ Campbell, R. and Raja, S., “Secondary victimization of rape victims: insights from mental health professionals who treat survivors of violence,” *Violence and Victims*, 14 (3), 1999, pp. 261–275.

⁷⁷ United Nations Resolution 48/104, 20 December 1993.

Conclusions

Most survey respondents consider violent criminal offences, such as rape or attempted rape, forms of sexual harassment. Less than half of the survey respondents think that pressure for sexual favours, touching, pinching, pushing, or whistling at someone in the street are forms of sexual harassment. A higher percentage of men than women tend to identify most forms of sexual harassment as such. Some Kosovars lack awareness that sexual harassment can occur among homosexual persons. Nearly a third of Kosovars, more men than women, believe that people naturally harass others when they are attracted to them and that such behaviour is “okay”. Alarming, a culture of “blaming the victim” when sexual harassment occurs is widespread, with approximately 74% of Kosovars believing that “women bring harassment problems on themselves by dressing or acting provocatively.” Slightly more women agree with this statement than men. This section suggests that awareness-raising with regard to the different forms of sexual harassment, who perpetrates harassment, and why harassment occurs (e.g., not because women “ask for it”) will be crucial for addressing sexual harassment in Kosovo in the future.

PERVASIVENESS OF SEXUAL HARASSMENT

This section looks at the pervasiveness of sexual harassment in Kosovo, based on survey respondents' reported experiences of sexual harassment. Given the lack of clarity in the legal framework regarding what sexual harassment could involve and some respondents' insufficient knowledge about sexual harassment, KWN asked about different acts that could occur rather than using the more general term "sexual harassment".

Lifetime Prevalence

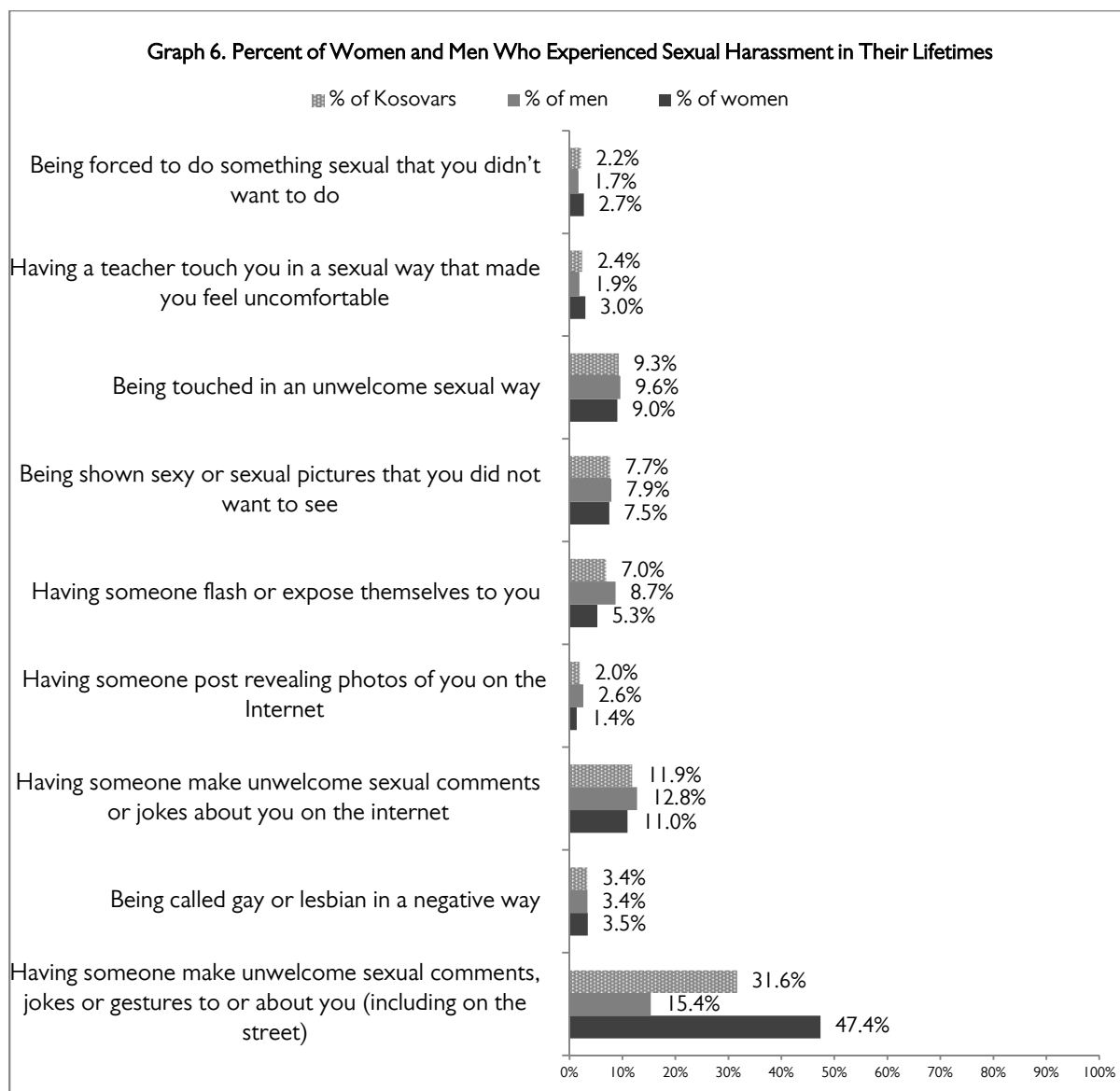
An estimated 48.5% of Kosovars have experienced some form of sexual harassment in their lifetimes. Women are significantly more likely than men to have experienced sexual harassment.⁷⁸ While approximately 64.1% of women report having experienced sexual harassment, 32.5% of men state that they have.⁷⁹ Individuals ages 18-25 are more likely to report having experienced sexual harassment, whereas persons ages 46 and older are less likely to report having experienced it. Rates may be higher among younger age groups because they may be more likely to report it or to remember having experienced it, whereas older age groups may hesitate to report it or may not remember such experiences.⁸⁰ No significant correlation was found between having experienced sexual harassment and ethnicity or residing in a rural or urban area, respectively.

The most common form of sexual harassment reported by respondents is having someone make unwelcome sexual comments, jokes, or gestures to or about them, including while walking down the street (Graph 6). Nearly a third of Kosovars (31.6%) said that this had happened to them. A substantially higher percentage of women (47.4%) had experienced such harassment than men (15.4%).

⁷⁸ Both a Chi-square test at a 95% confidence level and correlation analysis at a 95% significance level show a significant relationship.

⁷⁹ KWN found a statistically significant correlation at a confidence level of 95% with gender and age. No statistically significant relationship seems to exist between the age groups 26-35 and 36-45 and having experienced sexual harassment.

⁸⁰ This can be referred to as a "memory problem" in social research: when the event happened too long ago for respondents to recall it. Memory problems are more likely to affect older persons than younger persons with regard to this line of questioning.



Even with assurances of confidentiality, few people report sexual violence. This is not only true in Kosovo, but throughout the world.⁸¹ Just because it is not reported to police or in social surveys, does not mean that sexual violence does not exist. People may simply be afraid of reporting it or may consider it a personal issue, even in instances when it constitutes a criminal offense. Only 2.2% of survey respondents said that they had been forced to do something sexual that they did not want to do at some point in their lifetimes (1.7% of men and 2.7% of women).⁸²

⁸¹ For example, in the United States it has been estimated that 68% of sexual assaults in a period of five years went unreported (Rape Abuse Incest National Network - RAINN), *Reporting Rates*, at: <https://rainn.org/get-information/statistics/reporting-rates>. In the EU, "on average 6% of women disclosed having experienced sexual violence by a person that was not a current or previous partner, ranging from 1% in Greece and Portugal to 12% in the Netherlands and Sweden [...] in the EU at least 11 million women have experienced sexual violence by a non-partner since the age of 15" (European Institute for Gender Equality, Gender Equality Index 2015, *Measuring gender equality in the European Union 2005-2012*, 2015, at: <http://eige.europa.eu/sites/default/files/documents/mh0215616enn.pdf>). If a higher percentage of persons report suffering sexual violence this may mean that there is higher incidence. However, another interpretation is that people (in the Netherlands and Sweden, for example), are more aware, sensitized to, and culturally willing to report sexual violence compared to other people (in Greece or Portugal, for example).

⁸² For example, one respondent said she was deceived and then abused sexually at gunpoint in Prishtina (age 40, Glligoc, KWN survey, 2015). Later, she suffered violence from her husband as well. In another case, a 20-year-old man said he had bad memories of two men harassing and "touching" him approximately two years ago (age 20, Prishtina, KWN Survey, 2015).

A slightly higher percentage of respondents (2.4%) said that a teacher had touched them in a sexual way (3% of women and 1.9% of men). Additional women (9%) and men (9.6%) reported being touched in an unwelcome, sexual way. Approximately 7.7% of Kosovars said they were shown sexual photos that they did not want to see, and 7% had seen someone flash or expose themselves. A slightly higher percentage of men (8.7%) than women (5.3%) reported being flashed. This was the only instance identified in which men were statistically more likely than women to suffer sexual harassment.

While sexual harassment via the internet is a somewhat newer phenomenon, two percent of Kosovars report having someone post revealing photos of them on the internet and 11.9% had someone make unwelcome sexual comments or jokes about them on the internet. Persons ages 18-25 were statistically more likely to have experienced sexual harassment on the internet than persons from older age groups.⁸³

In sum, 3.4% of Kosovars said they had been called gay or lesbian in a negative way at some point in their lifetimes. Representatives of groups supporting lesbian, gay, bisexual, transgender, and queer (LGBTQ) persons in Kosovo said that sexual harassment is common. In addition to LGBTQ persons sexually harassing each other, LGBTQ representatives also detailed harassment by other people, including representatives of government institutions. One LGBTQ representative said, "A public servant called me 'faggot' at the Municipality of Prishtina. He said, 'You are tiring us with these events for faggots.'"⁸⁴ A complaint was filed for this case, and it was handled by the director of that department. This case remained ongoing at the time of KWN's research.⁸⁵

KWN also has received reports of sexual harassment suffered by persons with disabilities.⁸⁶ One respondent from an association supporting people with disabilities said that 22 cases of sexual harassment against women with disabilities had been reported to their association.⁸⁷ "Honestly, women with disabilities are treated as a public toilet," she said. "Wherever she goes to finish a job, she is asked to do something in return. In 90% of the cases, when a disabled woman addresses her needs to a certain institution, she is asked for something in return," the respondent claimed. Other accusations of misuse of power, including within some organizations meant to serve persons who have disabilities, also have been reported.⁸⁸ For example, persons in positions of power demanding sexual services in return for aid and assistance for persons with disabilities. The extent to which such allegations have been addressed by these organizations was unclear.

Among the women who had ever experienced sexual harassment in Kosovo, 30.4% said that it occurred "when they were younger". Only 9.9% of men experiencing sexual harassment said that it occurred only at younger ages.⁸⁹ This finding coupled with the aforementioned relationships identified between experiencing sexual harassment, gender, and youth, suggest that young women may be among those most at risk of most forms of sexual harassment.

Prevalence in 2014

Overall 45.2% of Kosovars experienced some form of sexual harassment in 2014. Again, women were statistically much more likely than men to have experienced sexual harassment in 2014; 63.5% of

⁸³ There is a statistically significant positive correlation between this age group and sexual harassment on the internet at 95% significance. There is a negative correlation between these forms of harassment and persons ages 56-64 years and 65+ years. For all other age groups the relationship is insignificant.

⁸⁴ KWN interview with representative of LGBTQ organizations, June 2015.

⁸⁵ Ibid.

⁸⁶ KWN interviews and conversations with activists, 2015.

⁸⁷ KWN interview with representative of an organization assisting persons with disabilities, 2015. No information was available with regard to sexual harassment against men with disabilities.

⁸⁸ KWN interviews and conversations with activists working in these associations.

⁸⁹ Similarly, in the EU, young women are more at risk of sexual harassment, particularly that which involves email or text messaging (European Union Agency for Fundamental Rights [FRA], *Violence against women: an EU-wide survey: Results at a glance*, Luxembourg: FRA, 2014, at: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance_en_0.pdf, p. 12). The European Commission (EC) has found that young, single, or divorced women tend to be more likely to suffer harassment at work (EC, *Sexual Harassment in workplace in the European Union*, EC 1998, at: <http://www.un.org/womenwatch/osagi/pdf/shworkpl.pdf>).

women reported experiencing it compared to only 24.3% of men.⁹⁰ Individuals ages 18-25 were more likely to have experienced sexual harassment in 2014, whereas persons ages 46 and older were less likely to have experienced it.⁹¹

More violent forms of harassment that would be considered crimes under Kosovo law were less prevalent or reported less by respondents: 4.8% of women and 3.7% of men said they suffered sexual assault in 2014. Slightly more said that someone grabbed or touched them (4.8% of women and 3.7% of men).

“I was in the third grade when me and my two female friends were followed and chased by some older boys. We managed to escape, but I’m still traumatized when I remember it, and it still concerns me as an issue.”

- Woman, age 23, Prishtina

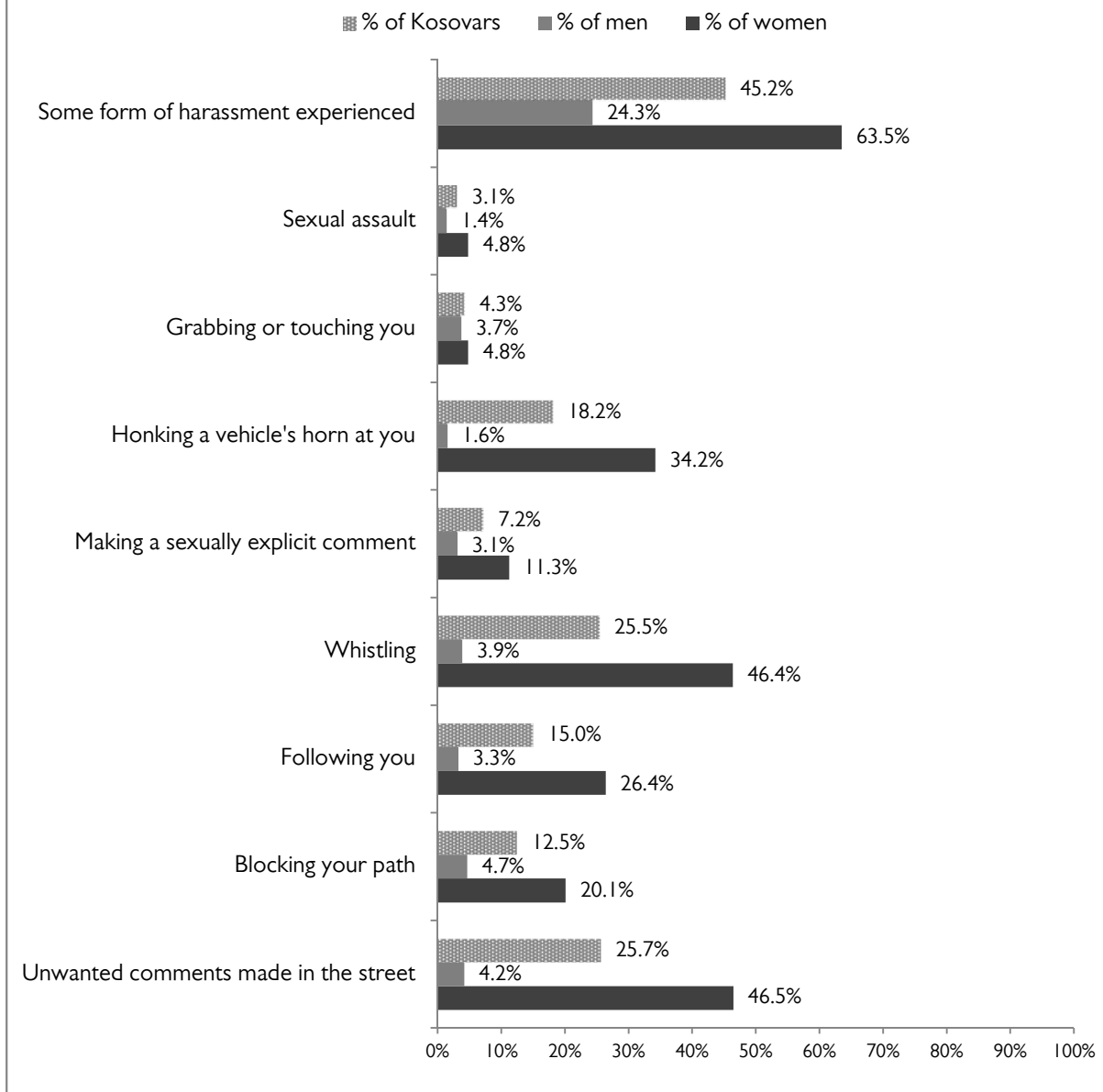
Street harassment seems much more prevalent for women (see Graph 7). One in three women (34.2%) compared to only 1.6% of men had someone honk a vehicle horn at them while walking down the street in 2014. Further, 46.4% of women and only 3.9% of men had someone whistle at them; 26.4% of women and 3.3% of men had someone follow them; 20.1% of women and 4.7% of men had someone block their path; and 46.5% of women compared to only 4.2% of men had unwanted comments made towards them in the street. Additionally, 11.3% of women and 3.1% of men said someone made sexually explicit comments to them.⁹²

⁹⁰ KWN used a Chi-square test and a correlation analysis at a 95% confidence level which showed that there is a significant correlation between gender and experiencing sexual harassment in 2014.

⁹¹ KWN found a statistically significant correlation at a confidence level of 95% with gender and age. No statistically significant relationship seems to exist between having experienced sexual harassment in 2014 and the age groups 26-35 and 36-45; living in a rural or urban residence; or with persons of a particular ethnicity.

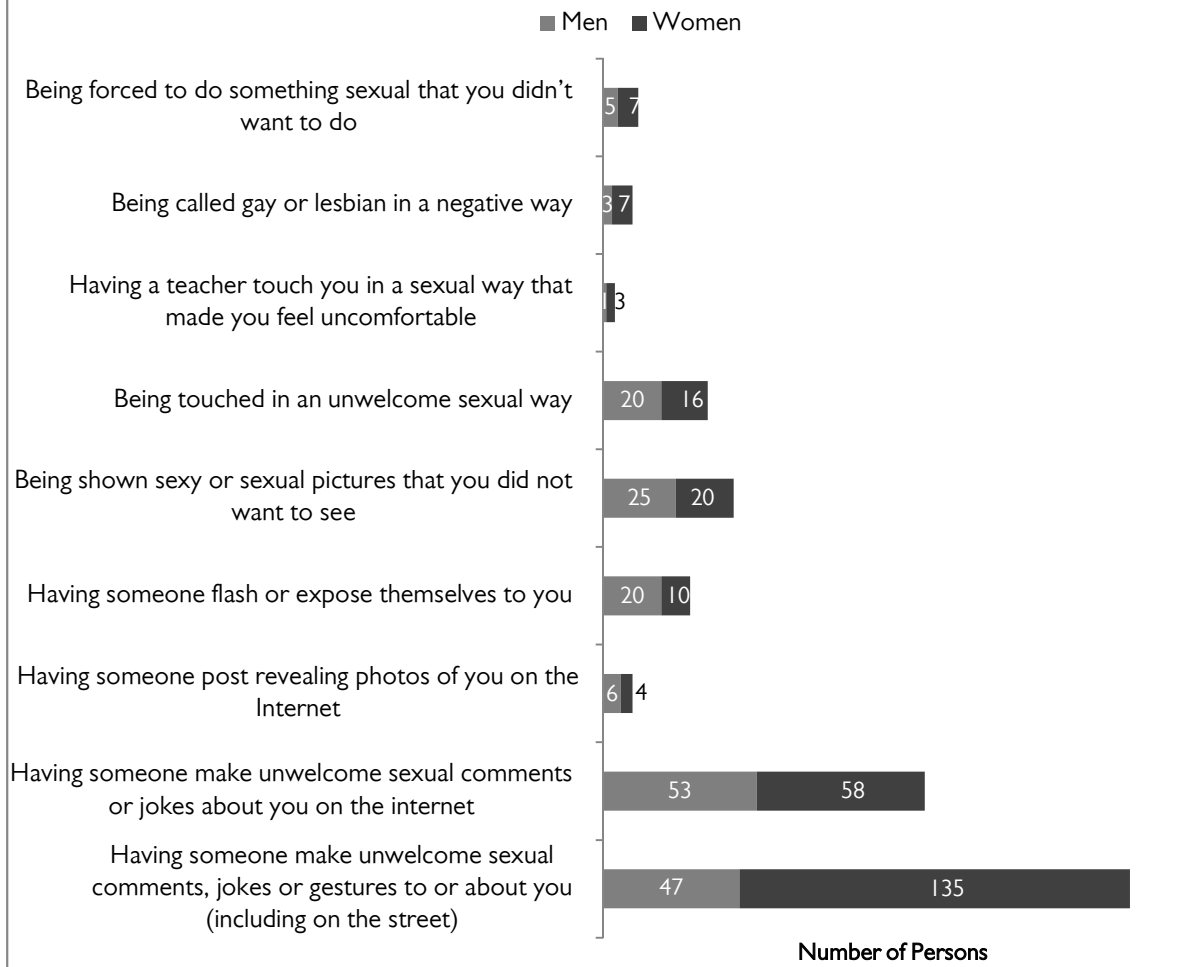
⁹² In one instance a man recalled a woman approaching him and offering prostitution services, which he considered a form of harassment (man, age 19, Peja, KWN survey, 2015).

Graph 7. Percent of Women and Men Who Experienced Sexual Harassment in 2014

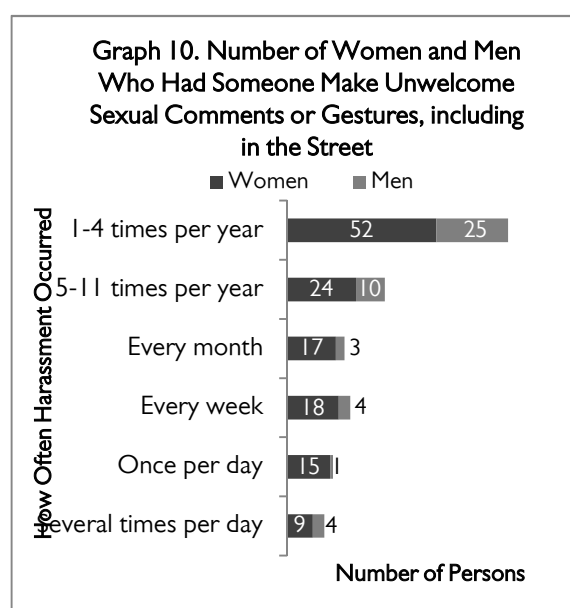
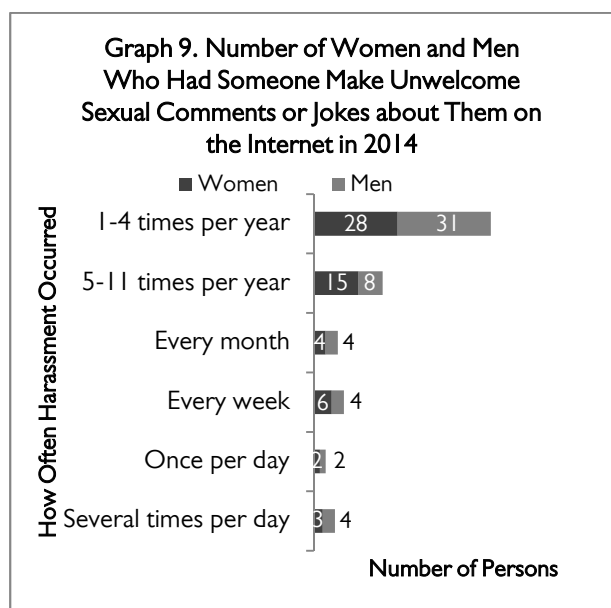


In 2014, 182 people reported having someone make unwelcome sexual comments, jokes or gestures to or about them in the streets; 111 said someone made unwelcome sexual comments or jokes about them on the internet; 45 were shown sexual pictures they did not want to see; and 36 were touched in an unwelcome sexual way (Graph 8).

Graph 8. Number of Men and Women Who Suffered Sexual Harassment in 2014 by Type of Harassment



Some respondents reported experiencing harassment multiple times in 2014, as graphs 9 and 10 illustrate.

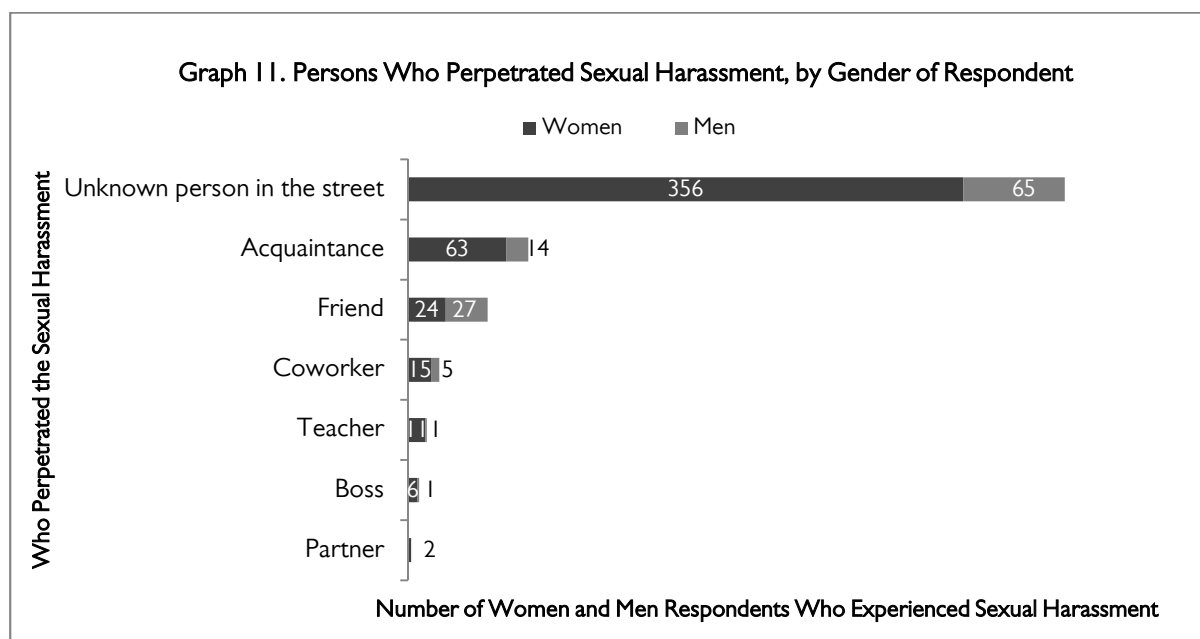


Who Perpetrated Sexual Harassment against Respondents?

Of the 561 persons who reported being sexually harassed in 2014, they were primarily harassed by unknown persons in the street (421 respondents). As Graph 11 illustrates, respondents also reported being harassed by acquaintances (77 respondents), friends (51), co-workers (20), teachers (12), bosses at work (seven), and respondents' partners (two). Results show that women tend to be harassed more by unknown people in the street and friends than do men. Men are more likely to be harassed by friends than women.⁹³

“My female colleague harassed me, but I didn’t make it a big deal.”

- Man, age 22, Peja



⁹³ KWN ran a Chi-square test and a correlation analysis, which showed a statistically significant relationship (95% confidence level). For all the other persons allegedly perpetrating harassment (e.g., acquaintances, co-workers, teachers, bosses, partners), there is no statistically significant relationship between sexual harassment and gender.

Sexual Harassment at Work

A report published by European Commission on sexual harassment at work found that approximately three out of four women in “a professional capacity or in top management jobs” had suffered sexual harassment in their lifetime while at work.⁹⁴ Further, “one in four of these women have been confronted with sexual harassment in the 12 months prior to the [...] survey.” Young women, women with lower levels of education and temporary workers also may be more at risk of harassment.⁹⁵ Men tend to comprise the majority of perpetrators, holding positions as colleagues or supervisors. In the EU, the incidence of sexual harassment appears to be related to the sex ratio of the occupation: “women in male-dominated jobs have more experience of sexual harassment than women in balanced or female-dominated jobs.”⁹⁶

Little research exists on sexual harassment at work in Kosovo. KGSC found in 2010 that 9% of civil servants have been sexually harassed more than three times, while an additional 7.6% were victims of sexual harassment once.⁹⁷ KGSC reported that 80% of victims were women, while 70% of perpetrators were men. Civil servants ages 21 to 35 were more likely to be harassed, whereas harassers tended to be ages 35 to 41.

KWN’s aforementioned survey data also suggest that sexual harassment occurs at work in Kosovo, perpetrated by supervisors as well as co-workers (see Graph 11). It is difficult to know precisely how widespread such harassment is, considering the recurring issue of under-reporting. Amid Kosovo’s high unemployment rates,⁹⁸ people may not report sexual harassment (even in a social survey) for fear of losing their jobs, even though firing someone when they report harassment is arguably prohibited by Kosovo law.⁹⁹

Sexual Harassment at School

Several instances of educators allegedly sexually harassing students in Kosovo recently have been published in media, including stories about court cases initiated. For example, in 2015, two cases in Mitrovica and Malishevo high schools were reported to police. The case in Malishevo involved a teacher allegedly sexually harassing one of his students via social media.¹⁰⁰

“Professors won’t give you a grade without you going to their office.”

- Woman, age 40, Gjilan

Only 2.4% of survey respondents said that a teacher had touched them in a sexual way that made them feel uncomfortable at some point in their lifetimes, and four respondents said this had happened in 2014. While the reporting of sexual abuse by teachers was low in general, slightly more women (2.4%) than men (1.7%) reported being touched in sexual way by their teachers when they were younger. For three respondents, sexual harassment by teachers occurred 1-4 times in 2014 and for one respondent 5-11 times. While both women and men experienced sexual harassment from teachers, women

“While I was working as a teacher, a student complained about being sexually harassed by another teacher.”

- Woman, age 43, Mitrovica

comprised a slight majority of persons affected. Considering the sensitivity of this question, under-reporting may exist.

⁹⁴ FRA, *Violence against women: an EU-wide survey: Results at a glance*, 2014, pp. 12-13.

⁹⁵ European Commission, *Sexual Harassment in workplace in the European Union*, EC, 1998.

⁹⁶ Ibid.

⁹⁷ KGSC, *Perceptions of civil servants regarding sexual harassment in the workplace*, Prishtina: KGSC, 2011. The research involved surveying 200 employees of the civil service at the central level and 300 employees at the local level in March-June 2010. The sample included civil servants from all levels of the administration and an equal number of female and male respondents. When asked if sexual harassment is present in public institutions in Kosovo, 35.6% of respondents believed it was present, 41.6% said “somewhat present”, 12.9% “not present”, and 9.7% did not know.

⁹⁸ See Labour Force Surveys.

⁹⁹ Law on Gender Equality, Art. 4, para. 6 forbids victimization.

¹⁰⁰ Newsbomb, *Arrestohet nje tjetër mesues ne Kosove per ngacmim*, 27 March 2015, at:

<http://www.newsbomb.al/index.php/rajon/item/7157-arrestohet-nje-tjetër-mesues-ne-kosove-per-ngacmim-seksual>.

Concern about sexual harassment in education institutions was a recurring theme among several, diverse representatives of institutions interviewed by KWN in 2015. In some instances, this was because respondents knew of cases first-hand, while in others they expressed concern over cases they had read about in local or national media. Interview respondents said that most victims of harassment remain silent, not taking the issue to court, but rather handling it “internally”. In other words, schools usually report cases to education directorates and suspend teachers accused of sexual harassment. This is in line with the Law on Pre-University Education in the Republic of Kosovo in which Article 7, paragraph 3.4 mentions that municipalities are responsible for competencies including “through co-operation with parents, police and other public authorities taking steps to deal effectively with violent or bullying behaviour and substance abuse in or associated with the respective institution.”¹⁰¹ However, if a criminal offense has occurred, this also should be prosecuted *ex officio*, beyond internal procedures.

Consequences of Sexual Harassment

Most Kosovars believe that harassment harms the person being harassed (70.4%), though 17.2% consider harassment harmless. Some evidence in the form of individual cases and experiences suggests that sexual harassment can have a negative impact on victims’ health and wellbeing. A longitudinal study by Munson, J. et. al. on the effects of sexual harassment on female faculty and staff members at a Midwestern university in the United State suggests that “sexual harassment has important effects on job-related and psychological outcomes.”¹⁰²

“I don’t go out on my own, since I don’t feel safe.”
- Woman, age 48, Mitrovica

As mentioned in the introduction, an act that may begin as harassment may develop into more violent forms of sexual violence that can have several consequences on victims’ psychological and physical wellbeing.¹⁰³ For example, a survey respondent said that sexual harassment led to body injuries, as the perpetrator used a knife on the victim.¹⁰⁴ In another case, a survey respondent said that a female friend who was raped reported the case to police; although they arrested the man, the woman later committed suicide.¹⁰⁵ The psychological and physical effects of sexual violence in Kosovo have been discussed elsewhere and thus are not elaborated further here.¹⁰⁶

Citizens’ Responses to Sexual Harassment

For the 66.9% of respondents who had experienced street harassment, their most common response was to ignore the person harassing them (87.3% of women and 25.4% of men) (see Graph 12). Fewer people (66) responded verbally or laughed at the person harassing them (40). Only six respondents said they responded physically, while three women said they ran away. A man said he stopped to talk to the person. Among all of the persons who had experienced sexual harassment, only two women said they reported the incident to the appropriate authorities.

¹⁰¹ Republic of Kosovo, Law No. 04/L –032 on Pre-University Education in the Republic of Kosovo, Art. 7 Competencies of Municipalities, para. 3.4, Kosovo, 2011, at: <http://www.erisee.org/sites/default/files/Law%20on%20Pre-University%20Education%20in%20the%20Republic%20of%20Kosovo%20No.04-L%20E2%80%93032.pdf>.

¹⁰² Munson, J. et.al., *Longitudinal Analysis of Dispositional Influences and Sexual Harassment: Effects on Job and Psychological Outcomes*, Illinois: 2000.

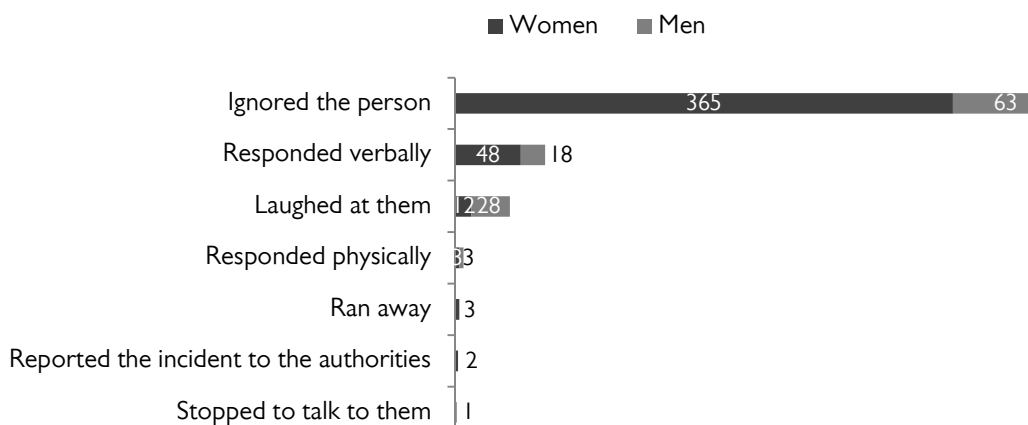
¹⁰³ For further information about the potential negative consequences that sexual violence can have on women, including their reproductive health, see KWN’s report *Exploratory Research on the Extent of Gender-Based Violence in Kosovo and Its Impact on Women’s Reproductive Health*, Prishtina: KWN, 2008, at: <http://www.womensnetwork.org/documents/20130120165614663.pdf>.

¹⁰⁴ Man, age 22, Prishtina.

¹⁰⁵ Woman, age 32, Gillogoc.

¹⁰⁶ For example, see KWN, *Exploratory Research on the Extent of Gender-Based Violence in Kosovo and Its Impact on Women’s Reproductive Health*.

Graph 12. Responses to Sexual Harassment Occurring in the Street



Persons who had experienced sexual harassment were asked if anyone had witnessed it. Most persons who had experienced sexual harassment (257 women and 58 men) said that witnesses ignored the harassment (see Graph 13). The next most common reaction that witnesses had to harassment (according to 72 women and 17 men) was to defend the person being harassed. Very few respondents said that witnesses defended them physically against their harassers (nine); laughed at harassers (seven); glared or stared at them (two); or were scared (one). In one case, the witness joined in on harassing the person. In only two instances did witnesses report the sexual harassment that they had seen to the appropriate authorities, respondents said.

Graph 13. How Witnesses Reacted to Sexual Harassment by the Gender of Persons Harassed



Some survey respondents said they told their friends or family members about “lighter” forms of sexual harassment that they had experienced in the street.¹⁰⁷ A few had reported harassment occurring at school to the head of the school, and one girl reported abuse by a teacher to the police in 2015.¹⁰⁸

“I have been harassed for one year and three months, but I haven’t reported it to the police because I have been scared.”

- Woman, age 39, Istog

¹⁰⁷ Man, age 20, Prishtina and woman, age 21, Prishtina respectively.

¹⁰⁸ Man, age 21, Gjakova.

Another respondent said that he had offered shelter within their family for a victim of sexual violence who sought help.¹⁰⁹ However, only 4.1% of all survey respondents had ever reported a sexual harassment case to the authorities or even knew someone who had.¹¹⁰ Fear of officials, neighbours, or family members “blaming the victim”, or worse, such as being ostracized, may prevent women and men from reporting sexual harassment.

Conclusions

The survey findings suggest that sexual harassment affects many people in Kosovo, considering that an estimated 48.5% of Kosovars have experienced some form of sexual harassment in their lifetimes. Women are significantly more likely than men to have experienced sexual harassment. Individuals ages 18-25 are more likely to report having experienced sexual harassment, whereas persons ages 46 and older are less likely to report having experienced it. Street harassment seems to be among the most commonly experienced forms of sexual harassment in Kosovo. Sexual harassment mostly comes from unknown persons, but also from acquaintances, friends, co-workers, teachers, bosses at work, and partners. When sexual harassment occurs, most people tend to ignore it, which contributes to a lack of reporting. Indeed, only 4.1% of all respondents ever reported sexual harassment to the authorities or even knew someone who had.

¹⁰⁹ Man, age 38, Decan.

¹¹⁰ One respondent called the police following attempted rape that occurred five years ago (man, age 41, Skenderaj, KWN survey, 2015).

INSTITUTIONAL RESPONSES TO SEXUAL HARASSMENT

Nearly 200 interviews were conducted with representatives of different institutions including Victim Advocates; Kosovo Police; Centres for Social Work; Vocational Training Centres; Employment Offices; educators (primary and secondary school professors, psychologists, and pedagogues); the Ministry of Education, Science, and Technology; the Ministry of Labour and Social Welfare; the Ministry of Culture, Youth, and Sports; the Ministry of Public Administration; the Ministry of Justice; the Ministry of Health; the Ministry of Economic Development; the Ministry of Local Government Administration; municipal directorates of economy, health, education, and social welfare; gender equality officers; public healthcare centres; private health clinics; CSOs; and other international organizations. All of these institutions have a responsibility in one or more ways to ensure implementation of the aforementioned legal framework related to sexual harassment. Therefore, interviews sought to examine the knowledge, attitudes, and practices of representatives of institutions with regard to sexual harassment. Additionally, respondents were asked whether their institution has any policy that prevents sexual harassment and/or outlines procedures for reporting it.

Graph 14 illustrates which acts representatives of diverse institutions consider sexual harassment, disaggregated by the gender of respondents.¹¹¹ Other responses not portrayed in this graph include when respondents did not consider the particular act a form of sexual harassment or when they did not know if it constituted sexual harassment or not. KWN considers these two responses similar with regard to these questions because institutions should know if such acts are a form of sexual harassment or not.

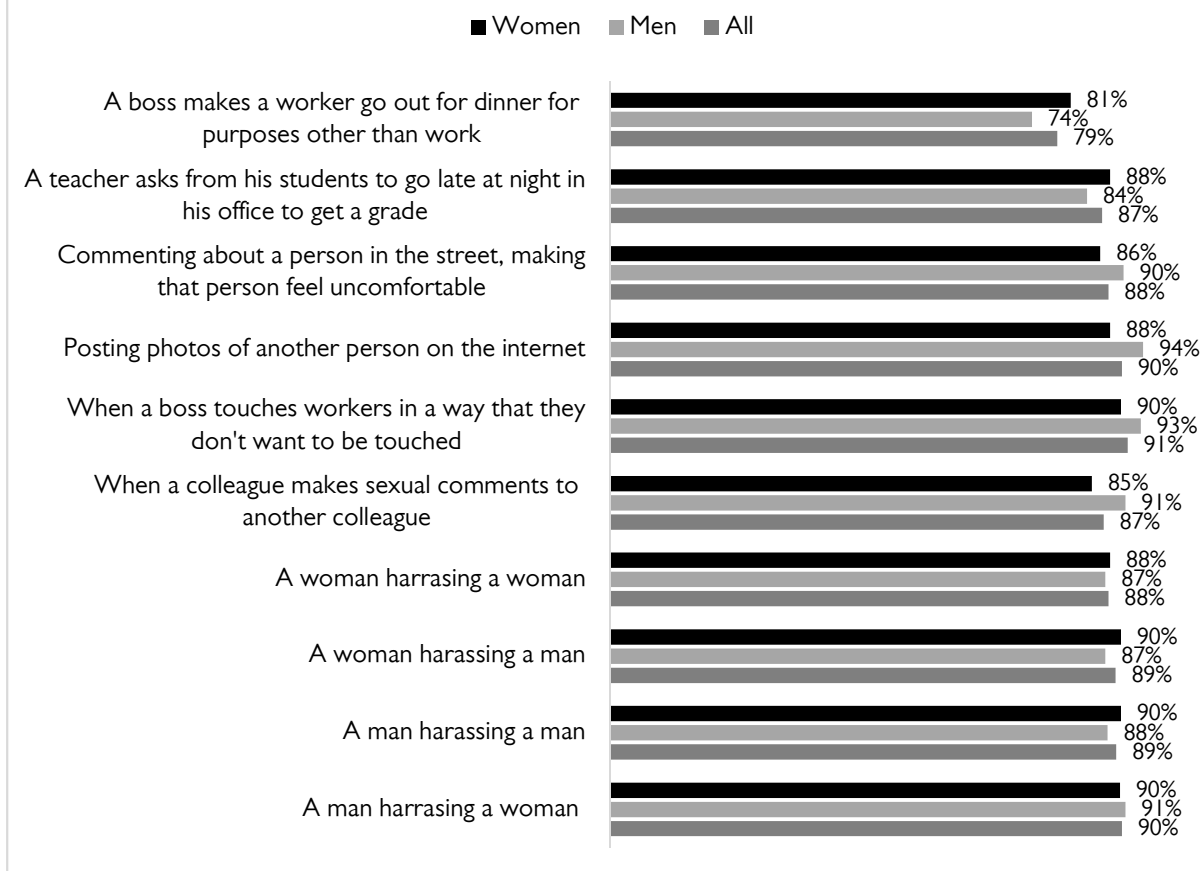
Within institutions, 81% of women and 74% of men think that a boss making a worker go out for dinner for purposes other than work is a form of sexual harassment (see Graph 14). This means that approximately one in five representatives of institutions either does not consider this a form of sexual harassment or is not sure. If a teacher asks his students to go to his office late at night in order to receive their grades, 88% of women and 84% of men from institutions consider this a form of harassment. Making comments about a person in the street that make the person feel uncomfortable is a form of sexual harassment for 88% of respondents. Approximately 90% of men and women consider posting photos of a person on the internet without the person's permission a form of harassment. A boss touching workers in a way that the worker does not want to be touched is a form of harassment for 90% of women and 93% of men interviewed. A colleague making sexual comments about another colleague is sexual harassment in the opinion of 85% of women and 91% of men from institutions.

Most respondents from institutions consider a man harassing a woman (90%), a man harassing a man (89%), and a woman harassing a man (89%), forms of sexual harassment. Slightly fewer believe that a woman harassing a woman can constitute sexual harassment (88%). A slightly higher percentage of women than men tend to think harassment can occur in such situations.

In sum, one could conclude that most representatives of institutions have knowledge regarding which acts constitute sexual harassment. However, nearly one in ten of the representatives of institutions interviewed lacks knowledge about which acts constitute sexual harassment.

¹¹¹ Respondents were selected based on their position, using variation sampling.

Graph 14. Acts Institutional Representatives Consider Sexual Harassment by Gender of Respondent



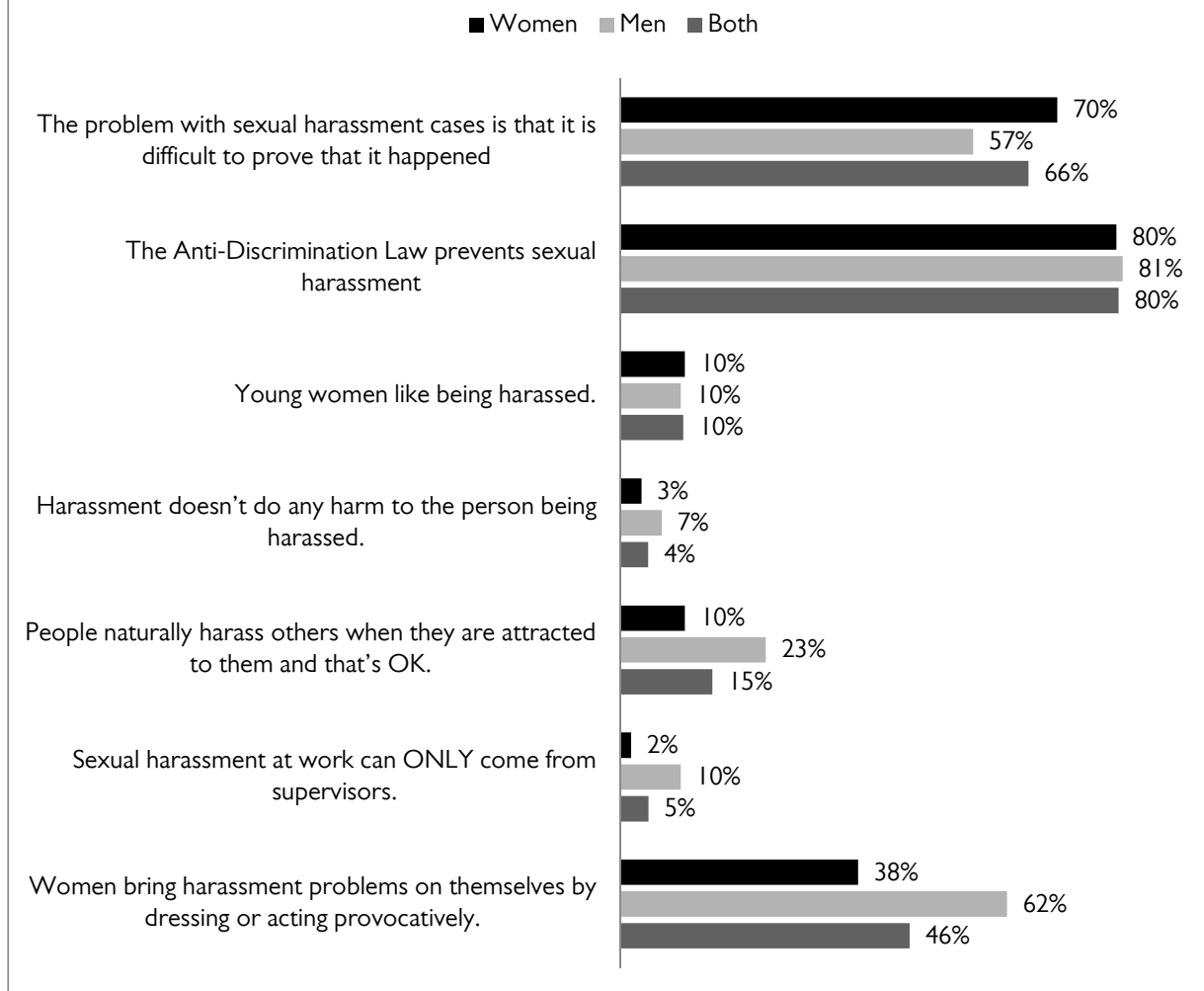
KWN asked representatives of institutions another set of questions to measure their awareness regarding the legal framework, as well as their attitudes towards sexual harassment. Graph 15 displays the percentage of women and men respondents from institutions that agreed with each statement. When asked if the Anti-Discrimination Law prohibits sexual harassment,¹¹² 2% said it does not while 18% did not know. Thus, in total, 20% of respondents from institutions lack awareness about this Law. Approximately 70% of women and 57% of men think that a problem with sexual harassment cases is that they are difficult to prove. An additional 18% of respondents were unsure. This suggests a general lack of awareness among representatives of diverse institutions that the burden of proof in civil cases lies with the alleged perpetrator and not the victim.

Further, 10% of respondents stated that “Young women like being harassed,” while 24% did not know. “Blaming the victim” seems widespread among representatives of institutions that KWN interviewed: 46% of respondents from interviewed institutions said that “women bring harassment on themselves by dressing provocatively”;¹¹³ 62% of the men respondents from institutions think this, while 38% of women agree. With regard to attitudes within specific institutions, 11 out of 19 police and 11 out of 17 health officials believe women bring harassment upon themselves; eight representatives of schools, and, worryingly, several gender equality officers agreed, as did a few representatives of Centres for Social Work, Vocational Training Centres, and Victim Advocates.

¹¹² KWN asked questions with regard to the prior Anti-Discrimination Law as the new law had not been adopted at the time of interviews.

¹¹³ KWN interviews with representatives of institutions mentioned in Annex 3.

Graph 15. Institutional Representatives that Agree with the Following Statements



As Graph 15 illustrates, 10% of women and 23% of men respondents from institutions agree that “people naturally harass others when they are attracted to them and that’s okay.” Four percent of women and men officials agree that “harassment doesn’t do any harm to the person being harassed.” Lastly, when asked if they thought that sexual harassment at work could only be carried out by supervisors, only 2% of women agreed, whereas 10% of men did.

Most officials interviewed said that they have Codes of Conduct, which prevent sexual harassment. However, these documents tend not to address sexual harassment specifically. As one representative said, “The code of conduct regulates how we dress. But women dress ‘improperly’ so that is also a form of sexual harassment.”¹¹⁴ Similar statements were made by representatives of other institutions, who blamed women, considering them responsible for sexual harassment occurring. This shows a lack of awareness about what constitutes sexual harassment.

The following sections further examine institutional responses to sexual harassment within specific institutions. This chapter also examines which mechanisms different institutions have to prevent and/or report sexual harassment when it occurs within that particular institution. KWN received very

“It’s horrible when a professor requires a student to go to his office to take grades with other intentions. They should be as second parents to students.”

- Woman, age 55, Peja

¹¹⁴ KWN interview, 2015.

limited information from representatives of institutions interviewed for this research. This could mean that either they are not well informed or official mechanisms dealing within sexual harassment within institutions are unclear or non-existent.

Civil Servants at the Municipal Level

KWN interviewed representatives of Centres for Social Work (CSWs), Vocational Training Centres (VTCs), Employment Offices, and Municipal Directorates. Although these institutions have different scopes of work, a common denominator is that they provide services to citizens. Also common to these institutions is that all municipal civil servants must operate in accordance with the Law on Civil Service and the Civil Servant Code of Conduct of the Republic of Kosovo, a new regulation enacted in 2015. This regulation does not address sexual harassment directly, but indirectly. Article 4 upholds principles of non-discrimination, stating that: “No direct or indirect discrimination is allowed on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a community, property, economic, social, sexual orientation, birth, disability or other personal status.”¹¹⁵ Further, Article 5 states that civil servants should have “personal integrity, accountability and honor” and should not “misuse their official position for personal interest or others interest.” The fact that this regulation was approved recently may explain why some officials lack knowledge about it.¹¹⁶

KGSC found that 39.8% of civil servants said they were aware of “regulations, policies or codes that specifically address the issue of sexual harassment in the workplace,” whereas 22.2% were not and 36.1% did not know.¹¹⁷ KWN’s interviews with civil servants in the aforementioned institutions suggest that they still lack knowledge about which laws are relevant and which acts constitute sexual harassment. Moreover, some civil servants seem not to consider sexual harassment important. As an official from one municipality said, “Who can stop it? When youngsters want it, so what?”¹¹⁸

Due to their legal responsibility to defend the rights of the child (persons under age 18), CSW representatives tend to be somewhat more aware about protecting children from sexual harassment. CSW representatives mention the Criminal Code as the legal basis for addressing sexual harassment cases. However, few CSW representatives seem to have knowledge about other relevant laws. Four social workers mentioned instances of assisting children who were victims of sexual harassment. Further, CSW representatives declared that they have a very friendly working environment, and thus they have never heard about cases of sexual harassment among co-workers. Only one respondent mentioned a case of a director sexually harassing a social worker during the night shift. However, the director reportedly lost his job.

VTC representatives generally are aware about what constitutes sexual harassment and laws that protect citizens from harassment. They also noted the civil servants’ Code of Conduct. The Code usually is displayed publicly at their workplace to remind beneficiaries how to behave while at training centres, respondents said. VTC representatives said they had never witnessed a case of sexual harassment at their workplaces among co-workers. However, they had seen cases of men beneficiaries sexually harassing women beneficiaries. In one case, a person attending a VTC course reportedly had his training terminated by the Head of the VTC because he was sexually harassing women trainees.

Representatives of employment offices tend to state that they do not have any regulation that deals with sexual harassment within their institution. They seem unfamiliar with definitions of sexual harassment and the relevant legal framework. They do not know of sexual harassment cases occurring within their institution.

The fairly widespread lack of knowledge and indifference about sexual harassment among some civil servants may explain in part why few have dealt with cases of sexual harassment. An exception

¹¹⁵ Government of the Republic of Kosovo, *Regulation (GRK) - No. 04/2015 on Civil Servant Code of Conduct of the Republic of Kosovo*, 2015, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10764>.

¹¹⁶ KWN interviews, 2015.

¹¹⁷ KGSC, 2011, p. 13.

¹¹⁸ KWN interview with a representative from a Directorate of Health and Social Services, 2015.

was representatives of Education Directorates who tended to mention cases of sexual harassment against pupils.

Schools and Universities

The University of Prishtina has a Code of Conduct that officials have stated regulates sexual harassment in theory, and representatives of other public universities have said that they follow the same Code.¹¹⁹ However, the term sexual harassment is not mentioned specifically in the Code. Article 8 of the Code lists acts that are not permitted in educator-student relationships. This includes “setting conditions for the fulfilment of educational requirements, passing of tests, by asking of students to buy selected books or other educational means, or by asking for political, sexual, financial or other types of heavy favors” (Article 8.3).¹²⁰ It also states that the following is not permitted: “discrimination, including harassment of a student on the basis of politics or race, color, religion, gender, sexual orientation, gender identification, ethnic origin, national origin, descent, marital status, pregnancy, physical or mental disability [sic]” (Article 8.4).¹²¹ However, the sanctions for engaging in such behavior and the mechanism through which students can report such behavior are insufficiently clear. The Code merely states that when academic staff do not adhere to the Code, they should be reported to the ethics council, the leading authorities of the academic unit, or the rector. Every violation reported to the latter two must pass through the ethics council. KWN was unable to identify whether any private colleges or universities have similar regulations, though they may exist.¹²²

The Law on Pre-University Education obliges educational directorates in municipalities, in cooperation with police, parents, and other relevant institutions, to react if an offence happens in or near schools.¹²³ When asked about the policies in place to prevent sexual harassment in schools, none of the respondents from educational institutions or heads of education directorates interviewed in eight different municipalities mentioned that such policies exist. Moreover, only a few school teachers, pedagogues, and psychologists had knowledge about which laws protect citizens from sexual harassment. The general lack of knowledge about what sexual harassment entails, their legal responsibilities, and mechanisms for reporting it likely undermines many educators’ ability to prevent and take actions to address sexual harassment effectively.

Several representatives of institutions said that they knew of numerous cases of sexual harassment occurring in schools and universities.¹²⁴ Both students and professors have reported that sexual harassment occurs often at the University of Prishtina.¹²⁵ Additional cases likely go unreported. Fear of punishment from teachers or professors can prevent students from reporting sexual harassment. As psychologist Michele Paludi states, “Women who experience sexual harassment are in a powerless position relative to the harasser (ex. student with a professor) ... women believe that they themselves need to deal with harassment, that there is no point in public protest, for no one would believe them.”¹²⁶

“My girlfriends were sexually harassed by their professor. I informed the Director and that professor was fired.”

- Woman, age 32, Ferizaj

¹¹⁹ KWN member’s interview with university official, 2015.

¹²⁰ Code of Ethic for academic staff of the University of Prishtina, 19 July 2013, at: <http://uni-pr.edu/getattachment/Kerkime-Shkencore/Rregulloret/Rregulloret-e-Senatit/Kodi-i-Etiket-i-stafit-akademik-te-Universitetit-te-Prishtines-Hasan-Prishtina-%281%29.pdf.aspx>.

¹²¹ Ibid.

¹²² Two private universities told KWN that they do not have such Codes (telephone conversation, February 2016).

¹²³ Republic of Kosovo, Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo, Art. 7 Competencies of Municipalities, para. 3.4.

¹²⁴ KWN interviews, 2015. In Kosovo, primary school educators are referred to as “teachers”, whereas secondary and university educators are referred to as “professors”.

¹²⁵ Orgut Consulting, *Kosovo Country Gender Profile*, p. 22. Also, KWN conversations with students and faculty, 2015.

¹²⁶ Paludi, Michele Antoinette, *Ivory Power: Sexual Harassment on Campus*, 1990, New York, p. 2, at: <https://books.google.com/books?hl=en&lr=&id=PQfbumfZfu8C&oi=fnd&pg=PA73&dq=impact+of+sexual+harassment+on+n+victims&ots=azSXIl6Ev3&sig=JLo2fIF--By5ggBo6YdXx8jcpQ0#v=onepage&q&f=false>.

Indeed, in the few instances when cases of professors sexually harassing students were reported, such reports went unaddressed.¹²⁷ For example, a school psychologist mentioned “a case in which a teacher used to send boys out of the class and only taught girls, touching their hands. When a girl spoke out, the class did not support her because the teacher had promised everyone a good grade [if they remained quiet].”¹²⁸ This teacher reportedly has retired without any disciplinary actions taken. In another case, a primary school psychologist said, “We had two cases of sexual harassment reported in our school. The teachers that were accused were suspended by the Municipal Directorate of Education, but now they are working again as teachers, only in a different school.”¹²⁹ In two cases, survey respondents said that educators were fired from educational institutions after they and/or their friends reported sexual harassment.¹³⁰

Police

The police representatives interviewed said that they do not have a specific regulation that deals with sexual harassment cases in the police. However, they have other regulations, namely the Code of Ethics of the Kosovo Police, to which officers must adhere. The Code of Ethics regulates police actions within the institution, but also police contact with citizens. It can be interpreted loosely to prevent sexual harassment among police, and it includes sanctions. For example, Article 26 states that:

Relations amongst police officers are based on appointment of hierarchy, respect, support, mutual solidarity, collegiality and society, tolerance, sincerity, trust and mutual dignity. These changes [*sic*] shall encourage mutual dialog and high professionalism of a police officer. In internal relations, under estimation and humiliation shall not take the place [*sic*].¹³¹

Article 8 governs police treatment of citizens:

The police, in carrying out their activities, duties and official procedures in a report with citizen shall always act with determination and firmly but at the same time shall be restrained, careful, not to violate honor and prestige and not to disturb or enforce unnecessary obligations. Police officer shall, in particular, dedicate special attention to individuals with special attention and assistance.¹³²

Thus, the Code does not mention sexual harassment explicitly, but refers more broadly to safeguarding honor, respect, and dignity. Police tend to be aware of their Code and the sanctions in place for those who do not respect it. Police also reported receiving training on sexual harassment at the Police Academy.

In addition to the Code of Ethics of the Kosovo Police, most police referred to the Criminal Code of Kosovo when asked about which laws could be used in cases of sexual harassment. However, some police lack knowledge about the other aforementioned laws relevant to sexual harassment cases. For example, one official said that few cases go to court because “sexual harassment cases are very hard to prove if they are not reported on the day that it happened.”¹³³ That sexual harassment is “hard to prove” was a recurring theme among police officers. Several officers seem to lack awareness that in accordance with anti-discrimination laws,¹³⁴ the burden of proof falls with the perpetrator and not the victim.

¹²⁷ Orgut Consulting, *Kosovo Country Gender Profile*, p. 22. Also, KWN conversations with students and faculty, 2015.

¹²⁸ KWN interview with a school psychologist, 2015.

¹²⁹ KWN interview with a teacher, 2015.

¹³⁰ Woman, age 65, Glogoc and woman, age 32, Ferizaj.

¹³¹ Kosovo Police, *Code of Ethics of Kosovo Police*, at: http://www.kosovopolice.com/repository/docs/kodi_jetikes.pdf.

¹³² Ibid.

¹³³ KWN interview with police, 2015.

¹³⁴ That is, the prior law applicable at the time when the interview was conducted, as well as the new law.

Four police officers interviewed said that sexual harassment cases have been reported to them. However, when they elaborated, their stories suggested that they misunderstood sexual harassment to mean sexual assault or rape, rather than harassment. For example, one explained, when a sexual harassment case is reported, the victim gets interviewed by the police and sent to a doctor. “If it is a very serious case they are sent to the emergency room immediately. To verify that something has happened, they are sent to forensic medicine.”¹³⁵ While these procedures would likely apply to a rape or sexual assault case, they probably would not be applicable in a case involving sexual harassment alone. KWN interviews suggested that several police officers confuse sexual harassment with other crimes like sexual assault or rape. Only when probed further, did some officers mention “every unwanted touch,” “being filmed without consent,” and other “nonphysical acts” as forms of sexual harassment. Considering that police are usually the first to respond to reports of sexual harassment, officers need to have more knowledge about the applicable legal framework concerning sexual harassment.

As sexual harassment is not defined explicitly within the Criminal Code, it is difficult to know exactly how many reports of sexual harassment police received. Table 2 depicts various crimes reported to police from 2010 to 2015 that may or may not have involved sexual harassment.

Table 2. Cases Reported to Police in 2010-2015 by Crime¹³⁶

Article	Criminal Offense	2010	2011	2012	2013	2014	2015
193/230	Rape and attempted rape	41	30	43	33	36	37
195/232	Sexual assault	47	52	58	48	54	54
196/233	Degradation of sexual integrity	4	7	7	10	1	2
197/234	Sexual abuse of persons with mental or emotional disorders or disabilities	5	3	4	8	9	4
198/235	Sexual abuse of persons under the age of sixteen years	44	52	45	54	56	65
199/236	Promoting sexual acts or sexual touching by persons under the age of sixteen years	3	0	0	4	5	2
200/239	Sexual abuse by abusing position, authority or profession	1	3	5	4	2	1
203/237	Showing pornographic material to persons under the age of sixteen years	0	0	0	1	1	0
208/247	Cohabiting with persons under the age of sixteen years in extramarital community	18	22	27	24	16	19

In 2013 and 2014, police recorded only seven cases of harassment. KWN’s aforementioned survey findings suggest that many more cases of harassment likely exist, but have not been reported to the authorities. Interviews with persons who have reported sexual harassment to police suggest that some police officers also may not record officially all reports of harassment that they receive. For example, KWN was provided with the following information:

When my husband worked at one of the police stations in 2011 they had about one report of harassment, particularly on-line harassment, every week. Very often it was Facebook intimidation of women by boyfriends, friends of boyfriends, ex-boyfriends, etc. Mostly police told women that it was their fault that they provided the boyfriend with sexy pictures of themselves or that they encouraged such attention due to the fact that they previously dated the guy. I suggest from this small sample that police are not seriously responding to the complaints of women, nor recording the fact that they even made the complaint.¹³⁷

Other personal first-hand experiences reported to KWN similarly suggest that some police officers may consider certain forms of harassment “insignificant” and not worth investigating further.¹³⁸

¹³⁵ KWN interview with police, 2015.

¹³⁶ Data provided to KWN from police.

¹³⁷ Correspondence with KWN, 2016.

¹³⁸ For example, a survey respondent said, “Police came but did not take any further steps, since they said those people should come to an agreement themselves” (man, age 31, Prishtina). In two other cases respondents said that perpetrators

However, harassment constitutes a criminal offense and police officers have a legal obligation to investigate any allegations of harassment that they receive, sexual or otherwise.

In contrast to the aforementioned instances, in a few cases, survey respondents relayed examples of police taking action. A respondent said, “A female friend of mine was followed and harassed [sexually] by a boy. She called the police. They undertook measures, and now she is okay. It’s not happening anymore.”¹³⁹

“One of my female friends at school was sexually harassed eight years ago ... and no one from the police reacted.”

- Man, age 29, Peja

Prosecutors

The Kosovo Prosecutorial Council has drafted the “Code of Ethics and Professional Conduct for Prosecutors in the Republic of Kosovo,” which is on their website. It states that:

[P]rosecutors avoid discrimination on any grounds, avoiding discriminatory attitudes against any person or persons on any grounds, including gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation, ethnic origin, nationality, religion or belief, race, social origin, property, birth or other statuses.¹⁴⁰

Prosecutors tend to know about their Code, which they state offers protection from sexual harassment. However, none of the prosecutors interviewed by KWN could explain how this Code could be used in instances when sexual harassment has occurred. As one prosecutor said, “I know that there is a regulation placed somewhere in the building, but I never encountered it.”¹⁴¹

In general, prosecutors possess knowledge regarding laws dealing with sexual harassment that are applicable in Kosovo. Considering their roles and responsibilities, prosecutors mainly use the Criminal Code in investigating or pressing charges against persons suspected of sexual harassment.

While sexual harassment is not defined as a specific crime within the Criminal Code, the Kosovo Prosecutorial Council reported prosecuting several cases involving offenses against sexual integrity between 2011 and 2014.¹⁴² The number of criminal offenses against sexual integrity brought to the prosecution has increased substantially in recent years, with 323 received or ongoing cases involving adults as alleged perpetrators in 2014 compared to only 69 in 2011 (see Table 3).¹⁴³ Most cases were reported to the prosecution either by the injured legal person or police. The data provided by the Council suggest that investigations into most all cases were well underway in 2013 and 2014. Further, in 2014, there were 74 indictments of adults following investigations and 135 cases took place. However, the number of unresolved cases of adults who allegedly perpetrated offenses against sexual

were released without trial. One respondent reported that ten years ago her friend was raped, and the case was reported to police in Drenas. However, after one year police closed the case (woman, age 24, Glogoc). Another respondent said that police were called, but the perpetrator was released because of acquaintances (woman, age 30, Prishtina).

¹³⁹ Woman, age 20, Skenderaj. Similarly, another respondent said she knew a girl who was sexually harassed by a boy. She called the police, and they undertook measures (woman, age 60). Another survey respondent said that a 17-year-old girl was raped and police offered her assistance (woman, age 63, Mitrovica).

¹⁴⁰ Kosovo Prosecutorial Council, “Code of Ethics and Professional Conduct for Prosecutors, Republic of Kosovo,” 2012, at: http://www.psh-ks.net/repository/docs/Nr.911.2012-Kodi_i_etikes_per_prokuror.pdf.

¹⁴¹ KWN interview with a prosecutor from a Basic Court, 2015.

¹⁴² The Criminal Code of Kosovo, Chapter XX, defines criminal offenses against sexual integrity to include the following: mistake of fact as to age of victim (Art. 229); rape (Art. 230); sexual services of a victim of trafficking (Art. 231); sexual assault (Art. 232); degradation of sexual integrity (includes inducing a person to expose) (Art. 233); sexual abuse of persons with mental or emotional disorders or disabilities (Art. 234); sexual abuse of persons under the age of sixteen (16) years (Art. 235); inducing sexual acts, touching or activity by persons under the age of sixteen years (Art. 236); offering pornographic material to persons under the age of sixteen (16) years (Art. 237); abuse of children in pornography (Art. 238); sexual abuse by abusing position, authority or profession (whoever subjects another person to a sexual act) (Art. 239); inducing sexual acts by false promise of marriage (Art. 240); facilitating or compelling prostitution (Art. 241); providing premises for prostitution (Art. 242); sexual relations within the family (Art. 243).

¹⁴³ Data from correspondence with the Kosovo Prosecutorial Council, Office of Information, 2015.

integrity remaining at the end of the year has increased from 36 in 2011 to 189 in 2014. In 2013 and 2014, only one complaint against court decisions was approved each year by the court, whereas four complaints were rejected.

All cases of offences committed by minors were referred to the prosecution by police. The number of unsolved cases at the end of period was moderately higher than in the beginning. No complaints were made against the Court's decisions in cases allegedly committed by minors.

Table 3. Procedures taken by prosecution and verdicts by judges in cases involving offenses against sexual integrity									
Reporting Period	Committed by adults				Committed by minors				
	2011	2012	2013	2014	2011	2012	2013	2014	
Number of unsolved criminal reports in the beginning of the reporting period	6	6	85	115	11	14	9	12	
Number of persons from unsolved criminal reports in the beginning of the period	6	6	12	157			13	21	
The criminal report was submitted by: ¹⁴⁴									
• Injured citizen	0	2			0	0			
• Injured legal person	9	0		119	0	0			
• Police	17	28	1	2	4	7	12	4	
• Administrative Body: Inspector			1						
• Public Prosecutor		3							
• Others				3					
Total criminal reports received during the reporting period	7	2	100	124	4	8	12	4	
Total number of persons accused /reported	53	81	52	166	4	15	19	5	
Total of received reports and of unsolved cases			185	239	15	29	21	16	
Total number of persons with on-going cases	69	117	264	323			32	26	
Total requests for detention			34	38					
Approved requests			27	22					
Ways of solving criminal reports according to persons									
Dismissal of criminal reports	1	1	10	11			2		
Direct Indictment			14	13					
Indictment requesting punitive order			3						
Observation measures ordered					0	2	4		
Disciplinary measures							3	1	
Order for community service work						1			
Imprisonment of juveniles					1	2	1	1	
Order for educational measure and juvenile imprisonment						2			
Ruling on initiation of investigation			81	124					
Total investigations at work during the reporting period			93	154					
Suspension of investigations				2					
Termination of investigations			6	3	11				
Proposed charges	12	41							
Indictment after the investigation procedure	12	6	60	74					
Investigations incomplete at the end of the reporting period			30	69					
Proceeding Jurisdiction			17	25					
Total number of solved cases of persons	33	96	107	135	1	9	11	3	
Total number of cases of persons that remained unresolved at end of period	36	21	157	189	14	20	21	23	
Total unsolved criminal report at the end of the reporting period	10	10	113	141	6	11	12	13	
Confirmation of the indictment (Art. 316 paragraph 4)	3	1							
Decisions of the Court according to persons									
Judgment with punitive order	2	2	1	2					
Judgment rejecting			2	4					
Acquittal		3	0	1					
Judgment of conviction	3	4	14	29					
Measures of mandatory treatment			0	2					

¹⁴⁴ Referrals also can be made by the Anti-Corruption Agency, General Auditor, Financial Representatives, and EULEX. However, none of these institutions referred a case during this period so they have not been included in the table.

For other reasons					1	0
The statute of limitations has passed	2	2	0	2		
Complaints against the Court's decisions						
Total complaints of the prosecutor in court decisions					1	3
Total complaints approved by court					1	1
Total complaints rejected by court					4	4

Further research is needed into how the prosecution handles sexual harassment cases specifically. Given the dearth of information regarding such cases, it was difficult to assess how the prosecution has dealt with such cases.¹⁴⁵ In order to improve performance in better addressing cases of sexual harassment, some prosecutors did mention the importance of having prosecutors that are specially trained in addressing sexual harassment.

Judges

The Kosovo Judicial Council has a Code of Ethics that is applicable for all judicial bodies in Kosovo.¹⁴⁶ It states that:

During the performance of judicial duties, a judge has a duty to implement the law on regular basis including here known international standards, to deal cases fairly by avoiding discriminatory attitudes on any ground such as: discrimination based on gender, sexual orientation, race, colour, other genetic features, language, religion, political or [...] any other obedience, national or social origin, association with national minorities, property, birth, health, disability or other status.¹⁴⁷

Paragraph 3 describes penalties for judges who “for any reason are unable to act in accordance with” this paragraph. Procedures involve taking “immediate action, including recuse from a case and invoking the head of the court where he/she serves to exclude from him/her from the case.”¹⁴⁸

When asked whether they have a policy with regard to sexual harassment within their institution, judges tend to mention this Code of Ethics which perhaps can be loosely interpreted to frown upon sexual harassment as a form of discrimination. However, the Code does not address sexual harassment explicitly, and none of the judges interviewed could reference any specific rules or procedures related to addressing sexual harassment within their institution. Nor could any judge think of an instance in which the Code of Ethics was used in a sexual harassment case within their institution.

Judges tend to mention the Criminal Code's applicability in sexual harassment cases more than other laws. They tend not to be able to speak in much detail with regard to sexual harassment cases.¹⁴⁹ One judge said that this was because sexual harassment does not fall within the category of civil court cases (her field). However, this is incorrect and demonstrates her lack of knowledge of the Law on Gender Equality and anti-discrimination laws. A lack of knowledge regarding the relevant legal framework may undermine judges' ability to ensure that it is implemented.

The Kosovo Judicial Council was contacted for statistics on sexual harassment cases addressed by courts. However, they do not track such cases as “sexual harassment” is not enlisted as a separate criminal offense. Since the judges interviewed had little to no information about or experience with

¹⁴⁵ KWN could only locate one specific case. In 2011, the TV programme “Justice in Kosovo” reported that two minor girls, age 10, were sexually harassed by an older man. The case was reported to police by the victims, and the alleged perpetrator was arrested. The prosecutor in Prizren decided not to pursue the case and the alleged perpetrator was released. Further information about the procedure is available on YouTube: *Drejtësia në Kosovë* [Justice in Kosovo], “*Policia e Kosovës: Ngacmim seksual ndaj vajzave adoleshente*” [Kosovo Police: Sexual harassment against adolescent girls], 21/3/2011, at: <https://www.youtube.com/watch?v=H2TN3rWFh9s>, accessed 21 January 2016.

¹⁴⁶ Kosovo Judicial Council, *Code of Ethics and Professional Conduct for Judges No. 2001/8 of UNMIK*, Kosovo: 2001.

¹⁴⁷ Ibid, section A, para. 2.

¹⁴⁸ Ibid, para. 3.

¹⁴⁹ KWN interviews with diverse judges in different municipalities, 2015.

sexual harassment cases, it was difficult to analyse how courts have dealt with such cases.¹⁵⁰ Thus, the only slight indication of court performance is, for example, that 189 cases and 141 criminal reports related to offences against sexual integrity put forth by the prosecution in 2014 remain unsolved and courts have handed down only 40 verdicts as Table 3 illustrates. The sizeable discrepancy between charges made and cases concluded by courts may suggest that either prosecutors have not gathered enough evidence to prove that offences have occurred; or that there is a lack of willingness to deal with such cases, among other potential reasons.

“We have the recording of that girl that accuses XX for example, but what was done with it? We hear a lot of cases, but I have never heard of a case sent to court being punished for sexual harassment.”

- Legal Aid Officer

Of the few cases mentioned by judges, in one case, a girl in Gjakova sent intimate photos to her boyfriend who posted them on Facebook. The girl then attempted suicide. Her family is in the process of suing her boyfriend. A judge stated that the court will detain him.¹⁵¹ In another well-publicized case, the President of the Assembly of the Islamic Community was accused of sexually harassing his students at “Medrese Alaudin” school.¹⁵² The case was reported to police, and he was suspended until the court reached a verdict. However, no further details were reported regarding the result of this case. Another story published in 2013 detailed the case of an elderly man sexually harassing a minor girl. The prosecutor indicted the suspect,¹⁵³ but again the outcome was not reported. Unfortunately limited information is available as to whether people have been punished for (sexual) harassment as a criminal offence.

Victim Advocates

The Victims Advocacy and Assistance Unit is under the State Prosecution and therefore follows the same Code of Conduct as prosecutors, issued by the Kosovo Prosecutorial Council. The procedure to report sexual harassment cases occurring within the institution is as follows: the employee who is harassed reports it to his/her manager, the manager reports it to the disciplinary commission, and the police should be informed.¹⁵⁴ Afterwards, they should write a criminal report, request for detention, indictment, and then hold hearings.

Victim Advocates are responsible for ensuring that all victims understand the services that the state provides and how to access such services. Victim Advocates can represent victims and request protection of their rights.¹⁵⁵ While historically they primarily have assisted persons who suffered domestic violence and trafficking, their broader responsibility to assist victims means that they can also assist persons who have suffered sexual harassment.

Victim Advocates seem knowledgeable about sexual harassment and can differentiate it from rape and sexual assault. One of the main obstacles that Victim Advocates said they face in assisting persons who suffered sexual harassment has been victims’ fear of reporting it. As a Victim Advocate said, “Sexual harassment is not reported because of fear; fear of losing a job; fear of having

¹⁵⁰ KWN interviews, 2015. Surveyed citizens reported other criminal cases that they said resulted in perpetrators’ imprisonment. For example, a KWN survey respondent mentioned an instance of “a man who raped a 14-year-old girl at gunpoint in the mosque. She became pregnant and had an abortion. The guy was put in jail for two years and the girl married” (woman, age 41, Viti). Another case was mentioned in which a girl was raped by her father over a period of ten years. The girl became pregnant and her brother informed the police. The father was convicted and sentenced to seven years in prison (man, age 40, Glogoc). However, both of these cases involve rape as a criminal offence and not necessarily sexual harassment.

¹⁵¹ KWN interview with Basic Court judge in Gjakova, 2015.

¹⁵² Gazeta Express “*Hasani hesht për ngacimet seksuale*”, August 2013, at: <http://www.gazetaexpress.com/arkiva/hasani-hesht-per-ngacimet-seksuale-119947/>.

¹⁵³ Telegrafi.com, “*Akuzohet për ngacim seksual të së miturës*”, 2013, at: <http://www.telegrafi.com/lajme/akuzohet-per-ngacim-seksual-te-te-mitures-80-5331.html>.

¹⁵⁴ KWN interview with a Victim Advocate, 2015.

¹⁵⁵ Criminal Code of Kosovo, 2013 and Criminal Procedure Code.

misunderstandings within the family; fear of the husband's reaction because you report it; and fear of becoming the object of gossip."¹⁵⁶

When treating cases of sexual harassment reported to the institution, Victim Advocates said that they treat all cases in accordance with the Criminal Code and the Criminal Code for Minors. They rarely use other laws.

Again, as sexual harassment is not enlisted specifically as a criminal offense, Victim Advocates have not tracked the number of cases that they have assisted. However, a couple Victim Advocates could recall cases they had assisted. A Victim Advocate in Prizren said that between January and April 2015, nine cases were reported to their office. Most cases were reported by girls who had been harassed by older men. A more recently reported case involved a municipal official sexually harassing a 16-year-old girl. The accused official lost his job.¹⁵⁷ Victim Advocates also were asked whether they had witnessed any case in which the victim was compensated for damages, but none of them had ever seen or heard of such a case.

Ombudsperson Institution

The Ombudsperson Institution in Kosovo, based on the Law on Gender Equality, "is an equality institution that handles cases related to gender discrimination, in accordance with procedures established by the Law on Ombudsperson."¹⁵⁸ In accordance with the Law on the Protection from Discrimination, the Ombudsperson Institution "is a state institution for equality, for promotion and protection of human rights. The Ombudsperson shall handle cases related to discrimination under the relevant Law on Ombudsperson."¹⁵⁹ The Ombudsperson Institution thus has a legal responsibility to receive, investigate, and handle cases related to sexual harassment.

Only three such cases have been reported to this institution, as per officials' knowledge.¹⁶⁰ One case involved sexual harassment at work. A woman went for an interview at a post office, and the director asked her for sexual favors in return for the job. After reviewing the case, the Ombudsperson asked her to consider whether she wanted to press charges and inform them the following day:

The woman, a married one with two to three children, came to the office frustrated. She had never been in that kind of position before. However, I knew that in the end this could have other repercussions because her husband wouldn't believe her judgement or experience. Instead of solving a problem, you create two other ones. So I had to tell her [...] we will wait for your phone call in which you will tell us to proceed with the case. We want your confirmation to make sure that we don't create a situation which can have consequences. And I will never forget, the next day at 10 o'clock in the morning she called. After she had been home [and] calmed herself down, she saw what kind of consequences it could have and decided not to proceed.

Here, the Ombudsperson seemingly indirectly advised the woman to drop the case. This incident perhaps calls to question whether the Ombudsperson is doing all in his power to protect women from such potential consequences and to properly support women seeking to file such cases by offering them advice regarding all the possible options available.

The second case involved a woman who was in the process of settling custody rights in court. As this process took some time, the judge promised to expedite procedures if she would go out for a coffee with him. The woman decided to take this instance of sexual harassment to court. In agreement with the Ombudsperson, the woman hid a recording device in her purse and recorded the next court session with the same judge. This recording proved that sexual harassment had occurred, and the

¹⁵⁶ KWN interview with a Victim Advocate, 2015.

¹⁵⁷ KWN Interview with a Victim Advocate, Prizren, May 2015.

¹⁵⁸ Kosovo Law on Gender Equality, Law No. 05/L-020, Art. 13.

¹⁵⁹ Kosovo Law on the Protection from Discrimination, Law No. 05/L-021, Art. 9.

¹⁶⁰ KWN interview with Ombudsperson Institution, 2015.

woman won the case. As a result, the judge was suspended. In this case, the Ombudsperson carried out his responsibilities effectively. However, according to the Ombudsperson, people rarely take such matters to court.

Conclusions

Some representatives of institutions still lack knowledge about sexual harassment, its definition, and the relevant legal framework. This hampers their ability to effectively respond to sexual harassment cases. Sexual harassment tends to be misunderstood as rape or sexual assault, while “less physical” or “severe” forms of sexual harassment are either unknown or considered insufficiently important. Additionally, some representatives of institutions like their fellow citizens, tend to blame victims for sexual harassment. This coupled with the broader aforementioned power relations between the abuser and abused contribute to a fear among victims in reporting sexual harassment. If cases are not reported to institutions, institutions cannot deal with them effectively. The fact that so few cases are reported, coupled with the absence of an explicit definition of sexual harassment in the criminal code, makes it difficult to track and evaluate trends in institutional response.

RECOMMENDATIONS

For the Government of Kosovo and all institutions

- Initiate amendments to the Criminal Code of Kosovo provisions related to harassment, as well as incorporate a specific, concise, and clear definition of sexual harassment in line with CEDAW and EU human rights standards, directly applicable in Kosovo.
 - Redefine “harassment” in the Criminal Code with the following definition: “Any act, attention, or communication that places another under surveillance; harasses; intimidates; injures; damages property; involves threats to damage property, injure, or kill another person or his or her family or pets; and/or places a person in reasonable fear of death, grievous bodily injury, damage to property, or emotional distress. Attention or communication includes following; laying in wait; repeatedly appearing at the home, school, work or recreation place; making repeated phone calls; sending or leaving messages, including through social media; sending text messages, mail, or emails; or, leaving or sending unwanted gifts or other items.” Then, ensure that the relevant civil law is compliant.
 - Define explicitly “sexual harassment” within the Criminal Code as: “Sexual Harassment: any form of verbal, nonverbal, visual, or physical conduct of a sexual nature, which includes but is not limited to: obscene language, derogatory comments, sexual advances, requests for sexual favours, following, whistling, touching, calling, posting photographs, and sending messages through phone, social media, mail, or email. It includes all acts of a sexual nature with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating, or offensive environment.”
 - Then, streamline the plethora of laws, ensuring that all relevant civil law is compliant.
- Establish one, clear procedure for all claims of violations related to sexual harassment. Ensure that all relevant laws are aligned with similar procedures for all cases, including those covered under anti-discrimination and gender equality clauses.
- Regulation No. 04/2011 should foresee a shift in the burden of proof in cases of sexual harassment claims, as required by the Law on the Protection from Discrimination.
- Clarify within the Criminal Code the definition of what constitutes mistreatment by persons exercising official duties (Article 198) and how specifically a person’s dignity may be violated.
- In accordance with the Law on Gender Equality and Law on the Protection from Discrimination, issue urgently administrative instructions as sub-legal acts. These should oblige education and health institutions to have clear procedures on how to file claims of sexual harassment and how decisions are taken procedurally. Every public institution also should be encouraged to draft and adopt internal anti-sexual harassment policies.
- Compensation for victims of sexual harassment should be clearly stated and be proportionate to the damage caused and suffered by sexual harassment victims within the Law on Compensation. At present, the Law on Compensation has made compensation difficult and even vaguer in proceedings for sexual harassment victims.
- Collect, analyse, and report on discrimination-related cases, including gender-based discrimination cases and sexual harassment cases in line with the requirements of the Law on the Protection from Discrimination and Law on Gender Equality. This includes maintaining and reporting gender-disaggregated statistics with regard to cases, procedures, and rulings in discrimination and (sexual) harassment cases, as well as information on compensation distributed and fines collected. The Agency for Gender Equality should ensure that these reports are made publicly available and published annually on their website.
- In the new Strategy and National Action Plan towards implementing the new Law on Gender Equality and/or the new Strategy and National Action Plan on Human Rights, include:
 - Obligatory training on sexual harassment, its definition, forms, and the relevant legal framework for all Kosovo institutions. This could be provided by the Kosovo Institute for Public

Administration as part of its new gender equality curricula and/or as part of mandatory induction training by institutions on their Code of Conducts and other policies.

- An awareness-raising campaign coordinated by the Agency for Gender Equality in close collaboration with relevant institutions and knowledgeable CSOs to make citizens more aware of the definition of sexual harassment, their legal rights, how, and where to report it.

For Kosovo Police

- Ensure that all police are well-trained on the definition of sexual harassment under Kosovo law, what it entails, and how to handle such cases when they are reported. This includes techniques in interviewing.
- Ensure policy regarding how sexual harassment within the police is reported is clear and well publicized.

For the Ministry of Justice

- Amend the Law on Compensation so that victims of sexual harassment are included explicitly and their compensation is proportionate to the damage caused and suffered by sexual harassment.

For the Prosecution

- A cadre of prosecutors should be specially trained in addressing sexual harassment and other forms of sexual violence.
- The Victims Advocacy and Assistance Unit within the Office of the Prosecutor can explicitly include sexual harassment within its Terms of Reference, including for persons answering the helpline. This should be followed by mandatory training on the legal definitions of sexual harassment and the process for referring cases.

For the Ministry of Labour and Social Welfare, Labour Inspectorate

- Ensure that all labour inspectors are trained on sexual harassment, its legal definition, and how to refer cases.

For the Assembly of Kosovo

- The relevant mandatory committees of the Assembly of Kosovo, namely the Assembly Committee for European Integration and Commission on Human Rights, Gender Equality, Missing Persons, and Petitions, should regularly monitor the implementation of the new anti-discrimination and gender equality laws. The Assembly should play a role in monitoring whether the laws are more accessible and if the adopted, revised procedures have made the legislation easier to use for victims of discrimination, gender-based discrimination, and sexual harassment.

For Civil Society

- Continue regular monitoring of sexual harassment cases in Kosovo.
- Raise awareness on the available legal provisions and compensation offered for victims of sexual harassment and other forms of discrimination and gender based discrimination.
- Advocate for implementation.
- Support class actions and strategic litigation in order to ensure effective implementation of relevant legislation.

Annex 1. Research Methodology

This annex details the research methodology. In order to respond to the research questions outlined in the introduction, the research involved mixed methods, including: 1) a review of the legal framework to identify remaining gaps in the legal outface and its implementation; 2) a national household survey with 1,315 citizens to measure awareness, attitudes, and incidence of sexual harassment; 3) interviews with representatives of approximately 200 institutions and organizations; and a review of statistical data gathered by relevant institutions. The following sections provide further details.

The Survey: Quantitative data were gathered through a household survey of individuals, carried out Kosovo-wide. The survey instrument contained primarily closed-ended questions (Annex 2). Most surveys, which were carried out via face-to-face interviews, lasted approximately a half hour, although one survey lasted just less than two hours. The average length of the survey interview was 35 minutes, with a standard deviation of twelve minutes. The survey was piloted in advance of the actual survey in rural and urban areas surrounding Prishtina. This enabled the research team to see if the survey instrument was properly designed and whether citizens understood it. Slight modifications were made based on the pilot.

Surveyors: Surveyors were selected based on their educational background, communication skills, professional skills, ethics, and their willingness to be part of the research. Mainly, they were students of psychology and sociology. KWN involved surveyors from minority ethnic groups and persons who spoke multiple languages for surveying diverse groups. Surveyors involved a balance of women and men. Women interviewed women, and men interviewed men, considering the sensitivity of the topic. A list of surveyors is in the acknowledgements.

Training of Surveyors: A two-day mandatory training was organized for all surveyors. The training ensured that surveyors were familiar with the research mandate, survey instrument, sampling method, control procedures, and logistics. Another important part of the training was the importance of safeguarding respondents' security and emotional wellbeing, as well as how to handle various situations that could arise during surveying, such as respondents showing signs of trauma or family members interfering. Moreover, the training focused on the ethics of surveyors considering the sensitive topic with which the research deals.

Research Sample: KWN surveyed 1,315 citizens of all ethnic groups, ages 18 and older. KWN selected a random sample of the Kosovo population. The sample was rural and urban, involving 181 randomly selected sampling points in 132 settlements in 36 municipalities. The sample also is representative of all ethnic groups in Kosovo as the selection was done using the Multistage Random Sampling Method. Stratification of respondents was based on ethnicity and region. Using census data from the Agency for Statistics in Kosovo (ASK) from April 2011, 319 sampling quotas were produced. The sample universe was divided into three sub-sets: Albanian, Serb, and other ethnicities. Then the sample was stratified by region and residential profile (urban/rural) of each region. The sample included Albanians, Kosovo Serbs and Kosovo non-Serb minorities (Turkish, Bosnian, Gorani, Roma, Ashkali, and Egyptian). Stratification principles were the same for all three ethnic groupings. In order to ensure that there were enough members of certain sub-groups of the population for reliable estimates for that group, KWN oversampled Kosovo Serbs and other minorities. The data was later weighted during the analysis to account for this. Respondents from each household, age 18 or above, were selected randomly according to the nearest birthday technique. This naturally resulted in a proportional distribution of women and men similar to that of the population. According to ASK, 50.3% of the population is men and 49.7% is women.

Interview process and non-response: The survey was conducted from 19 February to 28 February 2015. Of the 1,315 individuals surveyed, 20 were unable or refused to complete the entire interview. Of these, on seven occasions, the interview was cut short because the respondent did not have time to continue. On five occasions, respondents refused to continue. Three respondents were unable to finish for various reasons, including being too old, sick, or someone else making them stop. There were also four cases in which the interviewee was not psychologically ready to continue the

interview, which is to be expected with interviews including such sensitive and private information. Overall, 98.4% of participants completed the entire interview and survey.

As researchers were trained in modern psychological practices, they were asked to observe respondents across several measures, including honesty, comprehension, and comfort. These are important in estimating error and understanding the degree to which respondents answered honestly to such sensitive topics. Researchers evaluated how interviews went. In approximately 50% of the interviews, interviewers did not write comments as the interview went well and they had no impressions to report. Only 1.6% (21 interviews) went very poorly and 5% (70) went relatively poorly, according to interviewers. Approximately 30% of interviews went “well” and another 13.4% went “very well”.

Studying sensitive topics such as sexual harassment creates both methodological and technical issues for the researcher. Due to the perceived social undesirability of sexual harassment and domestic violence, and the prospect of future implications, the likelihood of inaccurate responses can be high. Researchers believed that 30% of respondents may have been dishonest in one or more of their responses on the entire survey instrument, which included questions pertaining to domestic violence as well.

Researchers also were requested to measure the comprehension level of the respondent. Due to various education levels and potential language barriers, it is important to identify responses confounded by comprehension issues. In 94.6% of the interviews, the researcher believed the respondent fully understood the questions. In only 23 cases, did the researcher believe the respondent failed to comprehend the questions asked. In an additional 47 cases respondents seemed to partially understand questions.

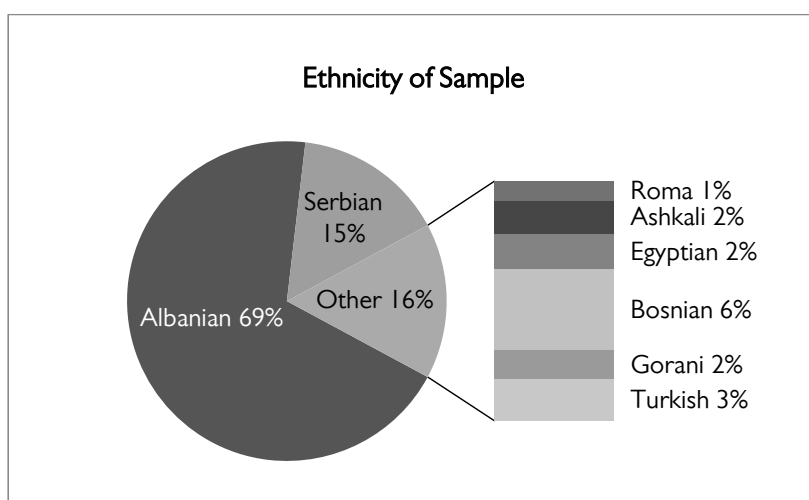
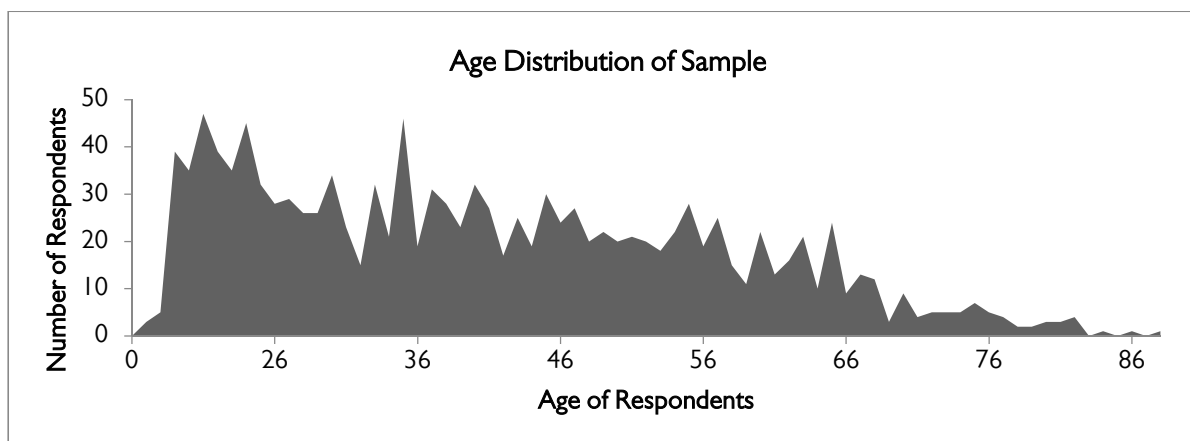
In some situations, the presence of others in the interview may have impacted respondents' answers. Although interviewers were instructed to go to all measures possible to ensure a private space for the interview, in Kosovo this can be quite difficult given living conditions. Further, in families where violence may be present, controlling the actions of family members by definition means that a respondent may not have been able to speak freely with other family members around. In 93.9% of the interviews, the respondent was alone. In 45 cases (3.4%), another member of the household was present throughout the entire interview, and in 35 cases (2.6%) other members of the household were present some of the time. The presence of others is important to note because the respondent may have in some cases altered answers in the presence of others for reasons of social desirability or fear. For example, in one extreme case, when asked if she had any further comments, the respondent's mother-in-law told her, “Do not say anything more because you might do a mistake and you will be over.” Even so, given the small percentage of cases the presence of others probably had little influence on the findings.

Control: Two persons not involved in the surveying carried out controls of surveyors. This included random field visits to ensure they were following the sampling methodology and checking the quality of surveyors' work. They also carried out check-backs on a randomly selected sample of 10% of completed surveys to ensure accuracy.

Data entry: Data was entered by persons not involved in surveying into SPSS 22.0 for data analysis. They entered qualitative information such as anecdotes, quotations, and recommendations into a Microsoft Word database where it was coded independently by multiple members of the research team.

Data analysis: The KWN Lead Researcher, a statistician, and an intern analysed the SPSS data. The data was weighted to account for the oversampling of minority ethnic groups, as relevant. Several statistical tests were run. The data has been weighted based on Census data, adding an additional 40,000 Serbs believed to be living in northern Kosovo, resulting in the following percentages: Albanians 92%, Serbs 4%, and other ethnic groups 4%.

Demographics of the Sample: The following graphs illustrate the demographic composition of the actual sample. Persons interviewed ranged in age from 18 to 88.



Qualitative Interviews: In addition to the survey, the research team conducted interviews with key actors that have a legal responsibility related to sexual harassment. The institutions and respondents are listed in Annex 3. A general interview guide was developed based on their legal responsibilities, knowledge of these responsibilities, and practical experiences with cases. Interviews were conducted between April and October 2015 in Prizren, Peja, Gjakova, Gjilan, Mitrovica, Prishtina, Vushtrri, and Ferizaj. Most interviews were conducted by two research team members, including an interviewer and a note-taker. In terms of reflexivity, the fact that young women conducted interviews and that interviewers came from a known women’s rights group may have impacted responses related to attitudes. Once consent was secured, interviews were recorded. Interviews lasted on average 45 minutes. Interviews were transcribed and coded independently by diverse members of the research team, towards triangulation of researchers.

Quality Control and Peer Review: The “triangulation” of researchers involving diverse team members with differing areas of expertise contributed to quality control as the report was reviewed carefully for accuracy by all team members. The research team circulated the final draft report to members of the Advisory Group, key respondents, and peers for review and quality control. Revisions were made based on their input prior to publishing.

Annex 2. The Survey

The survey instrument has been adjusted in font and font size in order to save pages in printing. The section on domestic violence has been removed as it is not relevant to this report, but can be found in KWN's other report: No More Excuses.

For researcher only before interview.

Interviewer code: ____

Starting time (copy to end later): ____ : ____

1. Survey number ____

2. Municipality code: ____

3. Rural/urban:

3.1. Village (no police station or CSW)

3.2. Town (rural setting but police station or CSW)

3.3. City (urban setting)

4. Gender:

4.1. Women

4.2. Men

(Begin interview here after reading consent form. Please read only text that is bold.)

5. In which year were you born? ____

6. With which ethnic group do you identify?

7. How many years of schooling did you complete? ____

8. *(If stopped before university degree)* what was the **MAIN** reason that you stopped going to school *(circle all that apply)?*

8.1. Did not want to continue

8.2. Not enough finances in the family

8.3. Not enough finances in the family and family favoured: brother sister

8.4. Had to work to earn money

8.5. The school was too far away

8.6. It was not safe to travel to the school

8.7. My family did not think it was important for me to keep going to school

8.8. Had to care for family members (e.g., with disability, children, elderly)

8.9. Got married

8.10. Violence in the family

8.11. Pressured or forced by mother to stop

8.12. Pressured or forced by father to stop

8.13. Pressured or forced by partner to stop

8.14. Pressured or forced by other family members to stop

8.15. Other _____

9. What is your marital status **RIGHT NOW**?

9.1. Single → Q. 13

9.2. Married → Q. 10

9.3. Co-habiting → Q. 10

9.4. Engaged → Q. 10

9.5. Divorced → Q. 10

9.6. Widowed → Q. 10

10. For how many years *(have you been / were you)* married/co-habiting *(in present marriage if married twice)?* ____

11. How old were you when you were married for the first time? ____

12. How many children do you have, if any? ____

13. With whom do you live at home right now?

13.1. Immediate birth family (parents, brothers, sisters)

- 13.2. Married immediate family (husband/wife and/or children)
- 13.3. Partner's extended family (mother-, father-, brother-, sister-in-law, etc.)
- 13.4. My extended family (parents, brothers, sisters, and other relatives)
- 13.5. Friends
- 13.6. Partner (unmarried)
- 13.7. Alone
- 13.8. Other _____

14. Altogether, how many people are living in your household right now? _____

15. What is your employment status right now?

- 15.1. Work in a paid position outside the home → Q17
- 15.2. Do unpaid work outside the home (farming, caring for animals like cows/chickens, etc.)
- 15.3. Do unpaid work at home (childcare, care for elderly gardening, housekeeping, etc.) → Q16
- 15.4. Work from time to time (Consultant) → Q16
- 15.5. Currently unemployed, but looking for a job → Q16
- 15.6. Unemployed, not looking for a job → Q16
- 15.7. Still student / pupil → Q16
- 15.8. Retired → Q18
- 15.9. Unable to work → Q16

16. (If not working for money) What is the MAIN reason you are not working for money?

- 16.1. Have to work at home (childcare, elderly care, gardening, housekeeping, etc.)
- 16.2. Have to work outside the home (farming, caring for animals like cows/chickens, etc.)
- 16.3. Have not been able to find a job
- 16.4. Do not need to work, have sufficient income
- 16.5. Family does not allow me to work
- 16.6. Still a pupil/student
- 16.7. It's not worth it (for the small salary)
- 16.8. Retired
- 16.9. Unable to work
- 16.10. Other _____
- 99 Don't know / no answer

17. (If working) What is your monthly salary: _____

18. (If married) is your partner employed with a salary?

- 18.1. Yes
- 18.2. No

19. Altogether, how many people in your house are employed? _____

20. Can you estimate your household income FROM THE LAST MONTH (January) from all peoples and sources?

21. Does your household receive social assistance?

- 21.1. Yes
- 21.2. No
- 0 Refuse to answer
- 99 Don't know / No answer

Now I have some different questions. I would like to ask you about sexual harassment.

22. Can you tell me what sexual harassment means to you?

- 22.1 Rape or attempted rape
- 22.2 Pressure for sexual favours
- 22.3 Touching, pinching, pushing
- 22.4 Purposely leaning against a person's body, without his / her permission
- 22.5 Staring and sexual gestures, against a person's wishes
- 22.6 Sending letters, telephone calls against a person's wishes
- 22.7 Pressuring to go out together (for coffee, lunch, dinner)
- 22.8 Questions, comments or sexual jokes, against a person's wishes
- 22.9 Referring to persons with words such as: sweetie, sweetheart, sweetie pie, etc.
- 22.10 Whistling in the street

- 22.11 All the above
 22.12 Posting photos without the permission of the person on the Internet, against the person's wishes
 22.13 Favouritism in exchange for sexual benefits
 22.13 Other _____
 99 Don't know / No answer

Can you please tell us which of the following can involve sexual harassment?	Yes	No	Don't know
	1	2	99
23. A man harassing a woman			
24. A man harassing a man			
25. A woman harassing a man			
26. A woman harassing a woman			
27. A colleague making comments of a sexual nature about a fellow worker			
28. A boss touching a worker in a way the worker does not like to be touched			
29. Posting sexual photos on Facebook of another person			
30. Making comments to a person on the street that make the person feel uncomfortable			
31. A teacher requiring a student to come to their office at night, alone, to get their marks			
32. A boss making a worker go to dinner for purposes outside of work			

In your opinion, are the following statements true or false?

	True	False	Don't know
	1	2	99
33. Women bring harassment problems on themselves by dressing or acting provocatively.			
34. Sexual harassment at work can ONLY come from supervisors.			
35. People naturally harass others when they are attracted to them and that's OK.			
36. Harassment doesn't do any harm to the person being harassed.			
37. Young women like being harassed.			

Now I have some more personal questions. Please tell us, if any of the following ever happened to you. If so, how often?

	1	2	3	4	5	6	7	8	9
				In the last year					
	Never	When I was younger	A few times per day	Once a day	Every week	Every month	5-11 times per year	1-4 times per year	DK/NA
38. Having someone make unwelcome sexual comments, jokes or gestures to or about you (including on the street)									
39. Having someone make unwelcome sexual comments or jokes about you on Facebook									
40. Having someone post revealing photos of you on Internet									
41. Having someone flash or expose themselves to you									
42. Being shown sexy or sexual pictures that you did not want to see									
43. Being touched in an unwelcome sexual way									
44. Having a teacher touch you in a sexual way that made you feel uncomfortable									
45. Being called gay or lesbian in a negative way									
46. Being forced to do something sexual that you didn't want to do									

47. Have you ever been harassed in any of the following ways in the last year (*circle all that apply*)

- 47.1 Unwanted comments made in the street
 47.2 Blocking your path
 47.3 Following you
 47.4 Whistling
 47.5 Making a sexually explicit comment
 47.6 Honking
 47.7 Grabbing or touching
 47.8 Sexual assault
 47.9 All of the above

- 47.10 Didn't harass me → Q51
47.11 Other _____
99 Don't know / No answer

48. Who did this? (mark all that apply)

- 48.1 Teacher
48.2 Unknown person in the street
48.3 Boss
48.4 Co-worker
48.5 Acquaintance\friend
48.6 Other _____
99 Don't know / No answer

49. [If applicable] If sexual harassment happened to you in the street, what did you do?

- 49.1 Ignore them
49.2 Laugh at them
49.3 Respond verbally
49.4 Respond physically
49.5 Report the incident to the appropriate authorities
49.6 Other _____
99 Don't know / No answer

50. [If applicable] If another person you didn't know was present when you were sexually harassed how did that person act?

- 50.1 Ignored the harassment
50.2 Defended you verbally
50.3 Defended you physically
50.4 Report the incident to the appropriate authorities
50.5 Other _____
99 Don't know / no answer

51. Have you or anyone you know ever reported sexual harassment? Yes No

If yes, what happened? (*To whom did they report; what did they do? when did it happen?*)

Annex 3. Interview Respondents

The following persons from institutions and organizations were interviewed by KWN in order to inform this research. They are listed in alphabetical order by first name.

Name and Surname	Institution	Position	Municipality
Adnan Zahiri	Vocational Training Centre	Secretary	Gjilan
Aferfita Vllasaliu- Saliu	Kosovo Police	Police Officer	Gjilan
Afijete Sada	Basic Municipal Court	Civil Judge	Gjakova
Afrim Ahmeti	Regional Kosovo Police	Deputy Director	Prishtina
Afrim Ibrahim	UNICEF	Official on Child Protection	Prishtina
Agim Magrilaj	LIBERTAS	Program Officer	Prishtina
Agim Pula	VAAO	Victim Advocate	Gjakova
Agon Myftari	National Theatre	Artistic Director	Prishtina
Ahmet Panxhaj	Private Clinic	Gynaecologist	Peja
Ajmane Barani	Municipal Department of Education	Head of Department	Mitrovica
Ajser Skenderi	Basic Municipal Court	Judge	Prizren
Ajshe Nuh	NGO Vita-Jeta	Director	Prishtina
Alida Miftari	Association of Craft Women	Director	Prizren
Anton Nrecaj	Centre for Legal Aid and Regional Development	Legal Advisor	Prishtina
Arben Hoti	Basic Municipal Court	Judge	Ferizaj
Arbenita Gashi	Emergency Centre Mitrovica	Nurse	Mitrovica
Arber Beka	Kosovo Police Inspectorate	Head of Public Relations	Prishtina
Arber Hamiti	Emergency Centre	Physician	Ferizaj
Arbërie Nagavci	Municipal Department of Education	Head of Department	Prishtina
Ardiana Shala	SOS villages	Head of Alternative Care	Prishtina
Ardita Ramizi Bala	Women Wellness Centre	Director	Peja
Arjeta Dermaku	Emergency Centre	Nurse	Gjilan
Arlind Popaj	VAAO	Victim Advocate	Prishtina
Arrita Gjiko	School	School teacher	Peja
Armend Rugova	Ministry of Public Administration	Coordinator of Human Rights Department	Prishtina
Arsim Gërxhaliu	Ministry of Justice, Forensic Department	Head	Prishtina
Avni Zahiti	Regional Kosovo Police	Spokesperson	Mitrovica
Basri Kastrati	VAAO	Manager	Prishtina
Basri Komoni	Municipal Department of Health and Social Welfare	Head	Gjakova
Bekim Mehana	Kosovo Police, Prishtina Station	Police officer	Prishtina
Berenika Gashi	UNDP WSSI (previously)		Prishtina
Berlinda Berisha	Kosovo Police	DVIU	Gjakova
Besa Beqiri Zejnullahu	High School	Teacher	Ferizaj
Besa Veseli	Municipal Gender Equality Office	Officer	Mitrovica
Besim Avdimetaj	Municipal Department of Education	Head	Peja
Brikena Sylejmani	UNDP	Gender Advisor	Prishtina
Bukurije Leti	Medika BL	Director	Prishtina
Burhan Maxhuni	VAAO	Victim Advocate	Mitrovica
Demë Laha	Kosovo Police	DVIU	Gjakova
Diana Qarkaxhija	Municipal Department of Education	Head	Gjakova
Drita Delolli	Kosovo Police	Police Officer	Ferizaj
Drita Klaiqi	Municipal Gender Equality Office	Officer	Gjilan
Drita Krasniqi	OAZA	Manager	Prizren
Drita Vukshinaj	Association of Women with Disabilities	Director	Prizren

Name and Surname	Institution	Position	Municipality
Driton Marevci	Kosovo Police	Police Officer	Ferizaj
Dusica Djinovic	Centre for Social Work	Social Worker	North Mitrovica
Edi Gusia	Agency for Gender Equality	Head of Division for Reporting and Monitoring	Prishtina
Elhame Berisha	Municipal Department for Social Welfare	Head	Prizren
Elida Berisha	Kosovo Police	Police Officer	Peja
Elinda Elshani	Emergency Centre	Nurse	Prizren
Elmina Mahmuti	Regional Kosovo Police Unit Head	Head	Gjilan
Elvane Shehu	Centre for Social Welfare	Social Worker	Gjakova
Enes Mehmeti	Basic Municipal Court	Judge	Ferizaj
Engjëllushe Susuri	High School	Teacher	Prizren
Enver Murtezi	Emergency Centre	Physician	Gjilan
Ergita Zajmi	High School	Teacher	Peja
Eroll Raskova	Municipal Financial Department	Finance Officer	Prishtina
Fadil Gashi	Kosovo Police	Police Officer	Peja
Fahri Drevinaj	Ministry of Health/Forensic Psychiatry	Psychiatrist	Prishtina
Fahrie Qoraj	Ministry of Economic Development	GEO	Prishtina
Fakete Kuka	Ministry of Local Government Administration	GEO	Prishtina
Fakete Elezi	Regional Employment Centre	Adviser	Gjakova
Fatime Jasiqi	MEST	GEO	Prishtina
Fatmir Baloku	Basic Municipal Court	Civil Judge	Peja
Fatmire Hysenaj	Kosovo Police	Police Officer	Prishtina
Faton Ademi	Basic Municipal Court	Judge	Mitrovica
Fazile Bungu	NGO HendiFer	Director	Ferizaj
Fetije Bajrami	Regional Basic Prosecution	Prosecutor	Vushtrri
Fetije Mehmeti	Association United Women	Director	Prizren
Flora Macula	UN Women	Director	Prishtina
Flutura Zena	Agency for Free Legal Aid	Assistant/ Legal Advisor	Prishtina
Gani Kamberi	Kosovo Police	DVIU	Mitrovica
Gezim Bekqeli	Vocational Training Centre	Coordinator and Trainer	Prishtina
Gëzim Pozhegu	Basic Municipal Court	Judge	Gjakova
Hajrije Haxhiaj	Municipal Financial Department	Head	Peja
Hake Gegaj	Regional Employment Centre	Employment Advisor	Prizren
Halil Zahiri	Basic Municipal Court	Judge	Gjilan
Hamdiye Selmani	Centre for Social Welfare	Social Worker	Ferizaj
Hamez Berisha	Emergency Centre	Physician	Mitrovica
Hektor Elezi	Private Clinic	Physician	Prizren
Hilmi Jashari	Ombudsperson Institution	Ombudsperson	Prishtina
Ibrahim Krusha	NGO NEVO Concept	Coordinator	Prizren
Ibrahim Musliu	Municipal Department for Social Welfare	Head	Ferizaj
Ibrahim Terstena	VAAO	Victim Advocate	Ferizaj
Ilmi Limoni	Municipal Department of Finance	Finance Officer	Gjilan
Imer Beka	Regional Basic Prosecution	Head Prosecutor	Prishtina
Indira Elshani	Caritas Kosova	Coordinator	Prizren
Ismet Rrahmani	Regional Basic Prosecution	Prosecutor	Ferizaj
Jeta Rexha	High School	Teacher of Psychology	Gjakova
Jubilea Kabashi	Centre for Sheltering Women and Children	Director	Prizren
Kada Bunjaku	Basic Municipal Court	Head of Court	Vushtrri
Kadri Gashi	Initiative "Bonu Burrë"	Project Coordinator	Prishtina
Kaltrina Kelmendi	Psychology Department, Faculty of	Professor	Prishtina

Name and Surname	Institution	Position	Municipality
	Philosophy, University of Prishtina		
Kastriot Jashari	KAPS, Department for Trainings and Educational Support	Director	Vushtrri
Kristë Gjokaj	Regional Kosovo Police	Head	Gjakova
Leonora Kelmendi;	Kosovo Police	DVIU	Mitrovica
Linda Sanaja	UN Women	Project Coordinator	Prishtina
Lindita Jashari	Kosovo Police	DVIU	Ferizaj
Liridon Shala	Paediatric Private Clinic	Physician Assistant	Prizren
Liridona Haziri Mustafa	VAAO	Victim Advocate	Gjilan
Lirije Syla	Municipal Department of Finances	Finance Official	Ferizaj
Lulejete Prekazi	Centre for Protection of Victims and Prevention of Trafficking	Project Coordinator	Prishtina
Luljeta Sallahu	High School	Teacher	Ferizaj
Lumnije Shllaku	Municipal Gender Equality Office	GEO	Gjakova
Lumturije Ibra	Women Wellness Centre	Coordinator	Peja
Majlinda Gojani	High School	Teacher	Gjakova
Mehat Berisha	Centre for Social Welfare	Head	Gjilan
Mehreme Hoxha	Regional Basic Prosecution	Prosecutor	Prizren
Mehreme Lumnica	HANDIKOS	Coordinator	Prishtina
Memli Haxhishabani	Emergency Centre	Physician	Gjakova
Mensur Beqiri	Municipal Department of Social Welfare and European Integration	Head	Mitrovica
Miradije Gashi	NGO Venera	Director	Peja
Mirlinda Roka	High School	Teacher	Gjakova
Mirlinda Sada	Medica Gjakova	Director	Gjakova
Mybexhele Zhuri	Municipal Gender Equality Office	Officer	Prizren
Myfera Bamja	Municipal Department of Finances	Financial Officer	Prizren
Myrvete Bajrami	Centre for Social Emancipation QESH	Project Coordinator	Prishtina
Naser Syla	Emergency Centre	Physician	Prishtina
Nazife Jonuzi	Liria	Director	Gjilan
Nazmi Cakolli	Municipal Health and Social Welfare Department	Head	Prishtina
Nazmi Musa	Municipal Department of Education	Head	Gjilan
Nazmiye Kajtazi	Ministry of Health	GEO	Prishtina
Nehat Murati	Kosovo Police	Police Officer	Gjilan
Nexharie Islami Pllana	Municipal Department of Health	Head	Mitrovica
Nexhat Çoçaj	Municipal Department of Education	Head	Prizren
Nezaqete Rukovci	Ministry of Culture, Youth, and Sports	GEO	Prishtina
Nuhi Koçinaj	Centre for Social Welfare	Director	Prizren
Nurgjan Curri	NGO NEVO Concept	Coordinator	Prizren
Nysret Manxhera	Municipal Department of Finances	Head	Mitrovica
Perparim Poroshtica	High School	Teacher	Gjilan
Petrit Loci	Municipal Department of Health and Social Welfare	Head	Peja
Premtime Preniqi	Municipal Gender Equality Office	GEO	Prishtina
Qamile Zhanjani	Emergency Centre	Nurse	Ferizaj
Rajmonda Sylbije	Centre for Equality and Liberty (CEL)	Director	Prishtina
Raze Malaj Maksutaj	Emergency Centre	Nurse	Peja
Rexhë Gashi	Vocational Training Centre	Head	Peja
Rrezarta Recica	Shelter "My home"	Director	Ferizaj
Ruzica Simic	Centre for Preventive Treatment and Protection of Women from Violence in North Mitrovica "Zensko Pravo"	Director	North Mitrovica
Sabiha Spahija	Regional Employment Centre	Advisor	Peja
Sadik Çoçaj	High School	Teacher	Prizren

Name and Surname	Institution	Position	Municipality
Sadri Hulaj	Emergency Centre	Physician	Prizren
Sakibe Doli	Shelter "Safe House"	Director	Gjakova
Sami Ahmeti	Municipal Department of Social Welfare	Official for Social Services	Gjilan
Sami Vranovci	Municipal Department of Education	Head	Ferizaj
Sebahate Qorkadiu	Municipal Gender Equality Office	GEO	Peja
Selvete Gurgurovci	Kosovo Police	DVIU	Ferizaj
Selvete Krasniqi	Kosovo Police	DVIU	Ferizaj
Selvi Izeti	Kosovo Rehabilitation Centre for Torture Victims	Psychologist	Prishtina
Selvie Murati	Regional Employment Centre	Adviser	Mitrovica
Shaban Laha	Vocational Training Centre	Director	Gjakova
Shaban Shala	Regional Kosovo Police	Director	Peja
Shemsije Sagdati	VAAO	Victim Advocate	Prizren
Shemsije Jonuzaj	Kosovo Police	DVIU	Prizren
Shpresa Bakija	Regional Basic Prosecution	Prosecutor	Gjakova
Shpresa Emra	Regional Basic Court	Judge	Prizren
Shpresa Siqeca	NGO "Shtjefan Gjeçovi"	Director	Prizren
Shqipe Gjocaj	Peer Educators Network	Coordinator	Prishtina
Shukrije Gashi	Partners Kosova	Director	Prishtina
Shyhrete Stublla	Liria	Social Worker	Gjilan
Shyqeri Mehmeti	Centre for Social Work	Director	Ferizaj
Sinan Gashi	Vocational Training Centre	Director	Prizren
Skender Dreshaj	Emergency Centre	Head, Physician	Peja
Sokol Zogaj	Kosovo Correctional Service	Director	Prishtina
Sylejman Topalli	Private Clinic	Physician, Head of Clinic	Ferizaj
Tahire Haxholli	Kosovo Police, Sector of Domestic Violence and Child Abuse	Head	Prishtina
Teki Shala	Municipal Department of Finances	Head	Gjakova
Valbona Çitaku	Hope and Homes for Children	Director	Prishtina
Valbona Doli- Rizvanolli	Active Women of Gjakova	Director	Gjakova
Valbona Salihu	Lawyers Association Norma	Director	Prishtina
Valentina Bejtullahu Turjaka	OSCE	National Program Officer	Prishtina
Valmira Baftiu-Rushiti	Private Clinic	Psychologist	Gjilan
Vebi Mujku	Centre for Social Welfare	Head	Prishtina
Veprorre Shehu	Medica Kosova	Director	Gjakova
Vesna Krivokapic	Kosovo Police	DVIU	North Mitrovica
Veton Uka	Municipal Department of Health	Head	Gjilan
Violete Demhasaj	Kosovo Police	DVIU	Peja
Virgjina Dumnica	UNDP	Programme Analyst, Justice Portfolio Manager	Prishtina
Visare Mujko-Nimani	UNFPA	Programme Specialist	Prishtina
Vjolla Zymberi	High School	Teacher	Gjilan
Vlora Jonuzi	Help Line - Victim Advocates Main Office Prishtina	Help Line Operator	Prishtina
Xhevat Aliu	Regional Employment Centre	Head	Gjilan
Xhuljeta Buzuku	Mental Health Centre	Social Worker	Prishtina
Zana Hoxha- Krasniqi	ArtPolis	Director	Prishtina
Zete Emini	Kosovo Police	Coordinator of DVIU	Gjilan
Zylfije Mujku	Centre for Social Welfare	Head of Social Services	Mitrovica
Zylkifli Obertinca	Regional Employment Centre	Director	Prishtina
Zymber Rizanaj	Municipal Department of Health	Director	Prizren
Zyrafete Krasniqi	Centre for Social Welfare	Social Services Coordinator	Gjilan
Zyrafete Murati	Ministry of Public Administration	GEO	Prishtina

Bibliography

- Assembly of the Republic of Kosovo, Criminal Code of Kosovo, at: <http://www.assembly-kosova.org/common/docs/ligjet/Criminal%20Code.pdf>.
- ___, Law No. 03/L-142 on Public Peace and Order, 2009, at: <http://www.kuvendikosoves.org/common/docs/ligjet/2009-142-sh.pdf>.
- ___, Law No. 03/L-149 on Civil Service, at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>.
- ___, Law No. 03/L-212 on Labor, 2010, at: <http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf>.
- ___, Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo, at: <http://www.erisee.org/sites/default/files/Law%20on%20Pre-University%20Education%20in%20the%20Republic%20of%20Kosovo%20No.04-L%20%E2%80%9303032.pdf>.
- ___, Law No. 05/L-020 on Gender Equality, at: <http://www.kuvendikosoves.org/common/docs/ligjet/05-L-020%20a.pdf>.
- ___, Law No. 5/L-021 on The Protection Against Discrimination, at: <http://www.kuvendikosoves.org/common/docs/ligjet/05-L-021%20a.pdf>.
- Campbell, R. and Raja, S., "Secondary victimization of rape victims: insights from mental health professionals who treat survivors of violence," *Violence and Victims*, 14 (3), 1999, pp. 261–275.
- Constitution of the Republic of Kosovo, 2008, at: <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>.
- European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey: Results at a glance*, Luxembourg: FRA, 2014, at: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance_en_0.pdf.
- European Commission, *Second Progress Report by Kosovo in fulfilling the requirements of the Visa Liberalisation Roadmap*, Brussels, 24 June 2014, at: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/second_commission_assessment_en.pdf.
- ___, *Sexual Harassment in workplace in the European Union*, 1998, at: <http://www.un.org/womenwatch/osagi/pdf/shworkpl.pdf>.
- European Directive 2002/73/EC on Equal Treatment in Employment for Women and Men, supplemented by the European Directive 2006/54/EC, 5 July 2006 on Implementing the Principle of Equal Treatment of Women and Men in Employment and Occupation, at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0073>.
- European Institute for Gender Equality, *Gender Equality Index 2015: Measuring gender equality in the European Union 2005-2012*, 2015, at: <http://eige.europa.eu/sites/default/files/documents/mh0215616enn.pdf>.
- Gazeta Express, *Hasani hesht për ngacmimet seksuale*, 2013, at: <http://www.gazetaexpress.com/arkiva/hasani-hesht-per-ngacmimet-seksuale-119947/>.
- Infodirekt.tv, *Në periudhën tremujore të këtij viti janë raportuar 13 raste të ngacmimit, sulmit seksual*, at: <http://infodirekt.tv/index.php/lajme-all-fix/30019-ne-periudhen-tremujore-te-ketij-viti-jane-raportuar-13-raste-te-ngacmimit-sulmit-seksual>.
- Jackson, N. A., *Encyclopedia of Domestic Violence*, New York: 2007.
- Kica, D., *Sexual Harassment in Kosovo: A Review from Rule of Law Perspective*, Prishtina: 2015.
- Kosovar Gender Studies Centre (KGSC), *Perceptions of Civil Servants Regarding Sexual Harassment in the Workplace*, Prishtina: 2011, at: <http://www.kgscenter.net/wp-content/uploads/2015/07/12.-Research-Sexual-harassment-in-Kosovo-civil-service.pdf>.
- KWN, *Exploratory Research on the Extent of Gender-Based Violence in Kosovo and Its Impact on Women's Reproductive Health*, Prishtina: KWN, 2008, at: <http://www.womensnetwork.org/documents/20130120165614663.pdf>.
- Farnsveden, U. Ariana Qosaj-Mustafa and Nicole Farnsworth, *Kosovo Country Gender Profile*, April 2014, for Swedish Embassy Pristina, at:

http://www.swedenabroad.com/ImageVaultFiles/id_20757/cf_347/Orgut_Kosovo_Gender_Profile_FINAL_2014-05-08.PDF.

Kosovo Judicial Council, Code of Ethics and Professional Conduct for Judges No. 2001/8 of UNMIK, Kosovo: 2001.

Kosovo Police Service, *Code Of Ethics of Kosovo Police*, at: <http://www.kosovopolice.com/repository/docs/kodietikes.pdf>.

Kosovo Women's Network, *No More Excuses, An Analysis of Attitudes, Incidence, and Institutional Responses to Domestic Violence in Kosovo*, Prishtina: KWN, 2015, at: <http://www.womensnetwork.org/documents/20151124105025622.pdf>.

Minnesota Advocates for Human Rights, Women's Rights Center & International Women's Human Rights Clinic, *Employment Discrimination and Sexual Harassment in Poland*, Minneapolis: 2002, at: http://www.theadvocatesforhumanrights.org/uploads/poland_discrimination_2002.PDF.

Newsbomb, *Arrestohet nje tjetër mesues ne Kosove per ngacmim*, 27 March 2015, at: <http://www.newsbomb.al/index.php/rajon/item/7157-arrestohet-nje-tjetër-mesues-ne-kosove-per-ngacmim-seksual>.

Paludi, M.A., *Sexual Harassment on Campus*, State University of New York: 1990, at: <https://books.google.com/books?hl=en&lr=&id=PQfbumfZfu8C&oi=fnd&pg=PA73&dq=impact+of+sexual+harassment+on+victims&ots=azSXll6Ev3&sig=JLo2flF--By5ggBo6YdXx8jcpQ0#v=onepage&q&f=false>.

Rape Abuse Incest National Network (RAINN), *Reporting Rates*, at: <https://rainn.org/get-information/statistics/reporting-rates>.

Republic of Kosovo, Kosovo Prosecutorial Council, *Code of Ethics and Professional Conduct for Prosecutors, Republic of Kosovo*, 2012, at: http://www.psh-ks.net/repository/docs/Nr.911.2012-Kodi_i_etikes_per_prokuror.pdf.

___, Ministry of Public Administration, Regulation No. 04/2011 on Disciplinary Proceedings in Civil Service, at <https://map.rks-gov.net/getattachment/47831aa8-5e46-45b5-bebc-70751da3ec07/RREGULLORE-NR-04-2011-PER-PROCEDURAT-DISCIPLINORE-N.aspx>.

___, Regulation (GRK) No. 04/2015 on Civil Servant Code of Conduct of the Republic of Kosovo, 2015, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10764>.

Ryan, W., *Blaming the Victim*, New York: 1971.

Telegrafi.com, *Akuzohet për ngacmim seksual të së miturës*, 2013, at: <http://www.telegrafi.com/lajme/akuzohet-per%20ngacmim-seksual-te-te-mitures-80-5331.html>.

United Nations, Convention on the Elimination of all Forms of Discrimination Against Women, at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

___, General Assembly, Resolution 48/104, 20 December 1993, at: <http://www.un.org/documents/ga/res/48/a48r104.htm>.

United Nations Interim Administration Mission in Kosovo, Law No. 2004/03, The Anti-Discrimination Law, 2004, at: http://www.unmikonline.org/regulations/2004/re2004_32ale04_03.pdf.

University of Prishtina, *Kodi i Etikës i stafit akademik të Universitetit të Prishtinës "Hasan Prishtina"*, Prishtina: 2013, at: <http://uni-pr.edu/getattachment/Kerkime-Shkencore/Rregulloret/Rregulloret-e-Senatit/Kodi-i-Etikës-i-stafit-akademik-te-Universitetit-te-Prishtinës-Hasan-Prishtina-%281%29.pdf.aspx>.

YouTube: Drejtësia në Kosovë [Justice in Kosovo], *Policia e Kosovës: Ngacmim seksual ndaj vajzave adoleshente [Kosovo Police: Sexual harassment against adolescent girls]*, 2011, at: <http://www.youtube.com/watch?v=H2TN3rWFh9s>, accessed 21 January 2016.

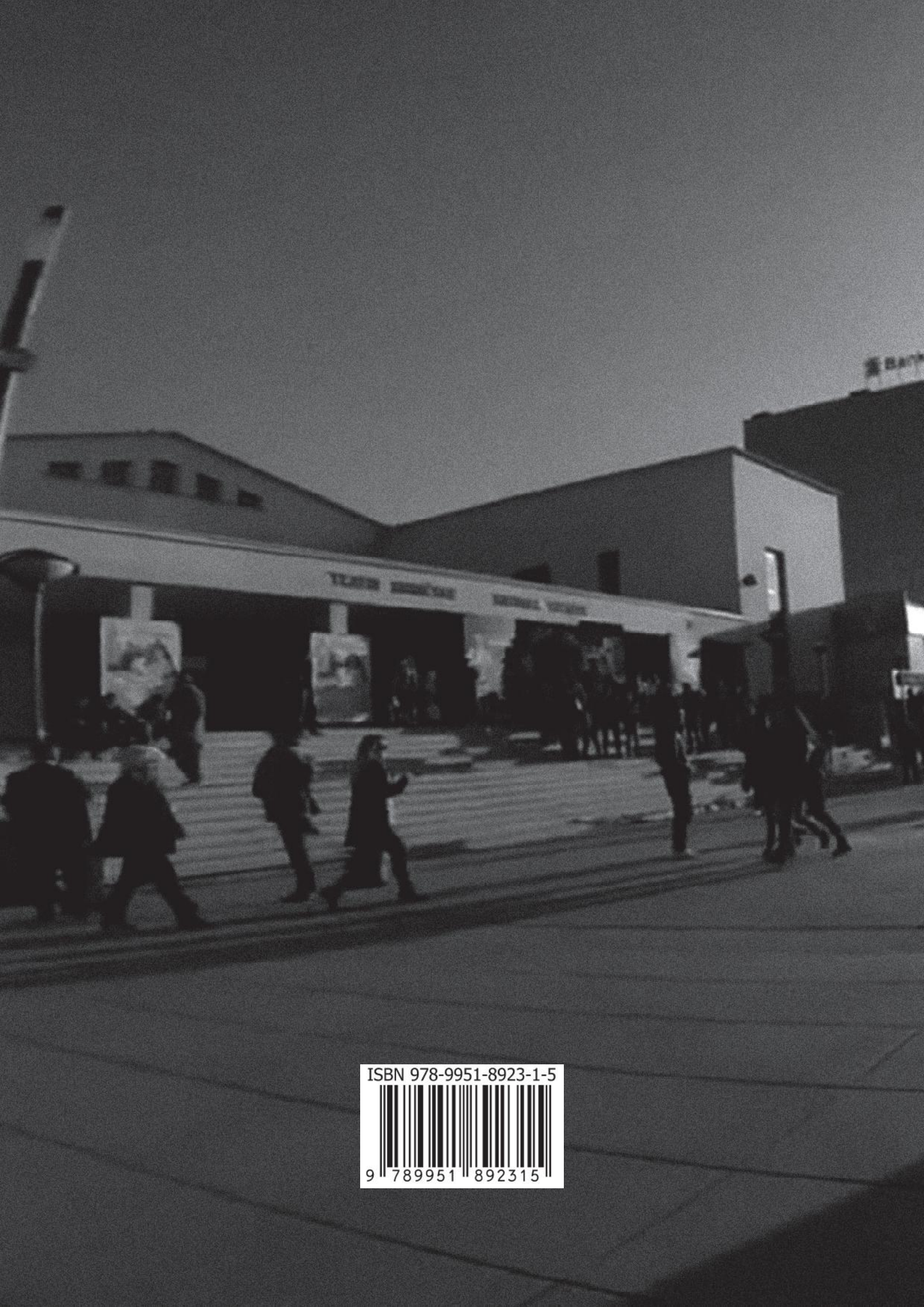
Katalogimi në botim – (CIP)
Biblioteka Kombëtare e Kosovës “Pjetër Bogdani”

176-053.6(496.51)
613.88-053.6(496.51)

Sexual Harassment in Kosovo / By Ariana Qosaj-Mustafa...[et al.].
- Prishtina : Kosovo Women's Network, 2016. – 68 f. ; 21 cm.

I. Qosaj-Mustafa, Ariana

ISBN 978-9951-8923-1-5



ISBN 978-9951-8923-1-5



9 789951 892315