



Security Begins at Home

Research to Inform the First
National Strategy
and Action Plan against
Domestic Violence in Kosovo



Prishtina, Kosovo 2008

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By Nicole Farnsworth and Ariana Qosaj-Mustafa for the Kosova Women's Network

With assistance from Adelina Berisha, Mimoza Gashi, Dafina Beqiri, and Nicole Slezak and in close cooperation with the Agency for Gender Equality (AGE) in the Prime Minister's Office of the Government of Kosovo, and the Women's Safety and Security Initiative as part of the United Nations Development Programme (UNDP).

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Acronyms and Abbreviations

AGE	Agency for Gender Equality
CDHRF	Council for Defence of Human Rights and Freedoms
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPWC	Centre for the Protection of Women and Children
CSW	Centre for Social Work
DSW	Department of Social Welfare
EU	European Union
GBV	Gender-based violence
HHC	Hope and Homes for Children
IOM	International Organisation for Migrations
ISF	Interim Secure Facility
KFOR	Kosovo Force (NATO)
KPS	Kosovo Police Service
KPS-DVU	Kosovo Police Service Domestic Violence Unit
KWN	Kosovo Women's Network
MEF	Ministry of Economy and Finance
MEST	Ministry for Education, Sport, and Technology
MLSW	Ministry of Labour and Social Welfare
MOH	Ministry of Health
MOJ	Ministry of Justice
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
OGA	Office of Gender Affairs of UNMIK
OSCE	Organisation for Security and Cooperation in Europe (refers to Kosovo mission)
PISG	Provisional Institutions of Interim Self Government in Kosovo
PVPT	Centre to Protect Victims and Prevent Trafficking
SOK	Statistical Office of Kosovo
SRSG	Special Representative to the Secretary General
SSO	Social Service Officer
UN	United Nations
UNCHS	United Nations Centre for Human Settlements
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNMIK	United Nations Mission in Kosovo
USAID	United States Agency for International Development
VAAD	Victims' Advocacy and Assistance Division
WHO	World Health Organisation
WSSI	Women's Safety and Security Initiative
WWC	Women's Wellness Centre

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EXECUTIVE SUMMARY

Understanding the extent, demographic groups most affected, legal and institutional response, and perceptions regarding domestic violence in Kosovo are essential for planning governmental and non-governmental response for preventing future violence, protecting victims, and prosecuting perpetrators. Governmental budgeting and plans regarding domestic violence can be more effective if they draw from research. In order to establish a firm foundation on which to base the Kosovo National Action Plan against Domestic Violence, the Kosova Women's Network (KWN) conducted research on domestic violence in Kosovo. KWN employed a mixed method methodology that included collecting statistics from relevant institutions; reviewing relevant law, legislation, and social services available; surveying 1,256 women and men of all ages and ethnic groups across Kosovo; and surveying representatives of Kosovar institutions, relevant organizations, and experts.

Kosovo has a number of sophisticated laws to prosecute and protect victims of domestic violence. Nevertheless, criminal law does not define domestic violence as a crime *per se*. Whether this could provide higher and more effective prosecution of domestic violence perpetrators requires further debate. At present, problems with the effective implementation of the Domestic Violence Regulation have been observed, such as delays by courts in issuing protection orders. Few reported cases of violence are ever prosecuted in courts, and no records of appropriate enforcements of sanctions reflecting the severity of the crime exist. Few public prosecutions have been recorded so far related to violations of protection orders or crimes of light bodily injuries committed in a domestic relationship. When the public prosecutor is "willing" to take up cases for further investigation, efforts are hindered by incomplete files submitted by police such as medical records that could indicate bodily injuries.

The Kosovo Law on Family and Social Services has not been implemented fully. The institution responsible for its implementation, the Ministry of Labour and Social Welfare (MLSW), has had limited capacity in human and financial resources to exercise fully the law as well offer assistance and protection to victims of domestic violence. Therefore, MLSW is using non-governmental organizations' (NGOs) services for shelter provision to victims, but limited funding is provided to these NGOs. MLSW covers only 50 percent of the expenses of shelters not including staff or operational costs. Existing legal aid legislation in Kosovo does not foresee explicitly victims of domestic violence as a category eligible for free legal counsel and representation. Victim Advocates are foreseen to safeguard rights of victims but currently lack full capacity to do so. Neither health centres nor health professionals have recorded officially cases of domestic violence or reported the crime.

Better national and municipal coordination mechanisms are needed to improve multi-disciplinary response in assisting and protecting victims of domestic violence. Currently there is no effective information or support service for victims of domestic violence. The VAAD helpline functions sporadically, and police response to emergency calls is often slow. Establishing a confidential, functioning, free of charge 24-hour helpline would be ideal. The institutional data collection and analysis of domestic violence reports has been irregular, ad hoc, and uncoordinated. The lack of data analysis and monitoring can affect the readiness of authorities to handle domestic violence cases and allocation of resources for addressing domestic violence.

The survey of 1,256 women and men illustrated that domestic violence is still generally considered shameful in Kosovo, which may explain why it is underreported. Nearly

40 percent of respondents agreed that “Violence is a normal part of any relationship, and society in general accepts that violence happens sometimes.” Almost 20 percent of respondents agreed, “Sometimes it is OK for a husband to hit his wife,” and more than one-third believed, “It is natural that physical violence happens sometimes when a couple argues.” Astonishingly, two-thirds of the respondents agreed that “Sexual intercourse can never be violence if it happens between two adults who are married.” Most respondents attributed violent behaviour to unemployment (62.4 percent) or alcohol (43 percent), and believed violence was “normal” or acceptable in such circumstances. Awareness-raising efforts should dispel such myths, targeting in particular people with lower levels of education, the unemployed, and women.

Insufficient data exists to conclude whether violence has increased or decreased in Kosovo. Approximately 43 percent of all respondents had experienced domestic violence in their lifetime; 46.4 percent of all (100 percent of) women and 39.6 percent of all men. Compared to other demographic groups, women, people living in rural areas, the poor, unemployed, persons receiving social assistance and people with less than a secondary school education were more likely to have experienced violence. According to KPS, 91.1 percent of the perpetrators of domestic violence were men, mostly husbands, and only 8.9 percent were women, though other family members perpetrated violence as well.

Extensive evidence exists that domestic violence negatively impacts individuals by contributing to a plethora of health problems, psychological issues, inability to care for children, and even suicide or death. However, 14 percent of respondents could not think of a single place where someone suffering violence could get help, and few knew about the services offered by institutions, illustrating the need for more community outreach to inform citizens regarding the services available. At present, people experiencing violence are more likely to seek help from family members or friends than institutions. More than ten percent said a regulation against domestic violence does not exist in Kosovo and 34.8 percent did not know whether a regulation existed. Outreach efforts should target people who could potentially assist victims of violence without involving institutions.

Domestic violence has significant costs for society, including costs related to healthcare, policing, prosecution, trials, educational levels and thus employment levels, days lost at work (affecting GDP), productivity, and social assistance to victims. The government could contribute to reducing violence by providing basic living conditions (e.g., water, electricity); creating new jobs; ensuring more effective and efficient functioning of the justice system; implementing existing law; ensuring better access to education especially in rural areas and for women; leading awareness-raising campaigns targeting persons most at risk, perpetrators, persons who could assist victims, and children; bringing cultural educational events to rural areas; and making counselling more available financially and geographically to victims, perpetrators, and their families.

INTRODUCTION

Domestic violence, also known as family violence, can involve psychological, physical, sexual, economic, and/or other forms of violence that occur within a household. Perhaps a more widely known albeit limiting definition is “intimate partner violence” or domestic violence between partners. In Kosovo, the law defines “domestic” more broadly, accounting for the various styles of living and people residing together in a single household.¹ Domestic violence can occur between an uncle and niece, a father-in-law and daughter-in-law, or two unmarried intimate partners residing together, not only between a husband and wife. Forms of domestic violence can vary by country, culture, context, and inter-familial relationships, making it impossible to identify an exhaustive list of crimes related to domestic violence. Even so, acts of domestic violence must be condemned as human rights violations.

Beyond ensuring the overall health and well-being of Kosovar citizens and decreasing government expenditures related to domestic violence,² the Government of Kosovo has a vested interest in decreasing domestic violence as part of its ongoing efforts to achieve the Millennium Development Goals (MDGs) and progress in the European Union (EU) accession process. MDGs are relevant to future growth in Kosovo because organizations such as the World Bank and International Monetary Fund support this initiative.³ The MDG goals address various human development issues, including: poverty, health, education, gender equality and sustainable environment.⁴ If Kosovo shows international organizations that it has progressed in its implementation of MDGs, obtaining funding will be significantly less complicated. Therefore, “adopting, tailoring, and monitoring the Millennium Goals are a sure way not only to enhance human development in Kosovo, but also to ensure that Kosovo’s population is not left behind in this global effort.”⁵

One MDG that deserves significant attention from the Kosovar government is gender equality and the empowerment of women. As the Government of Kosovo is working toward the long-term goal of EU accession, it must address the issue of domestic violence against women. Domestic violence negatively affects women’s health in numerous ways, including physical injury, gynaecological disorders, mental health problems, and adverse pregnancy outcomes.⁶ Therefore, “unless prevention and awareness of violence against women is integrated into all MDGs, sustainable development will continue to suffer—and the ambitious Goals agreed to by the international community will remain unattainable,” according to the World Health Organization.⁷

Violence against women has been identified as one of the most common forms of domestic violence, and women in Kosovo comprise the vast majority of domestic violence

¹ UNMIK Regulation 2003/12 on Protection against Domestic Violence.

² For more information regarding the financial costs of domestic violence and its impact on citizens’ health, see chapter three, section four.

³ MDGs involve eight goals and eighteen targets that 189 countries agreed to implement over a 25 year period (United Nations Millennium Development Goals Baseline Report for Kosovo, “Where will we be in 2015?”, March 2004, 3). Special thanks to Nicole Slezak who assisted with researching and drafting this section.

⁴ *Ibid.*, 5.

⁵ *Ibid.*, 4.

⁶ M. Ellsberg, “Violence against women and the Millennium Development Goals: Facilitating women’s access to support,” *International Journal of Gynecology and Obstetrics* (2006): 326. See also chapter three.

⁷ World Health Organization Department of Gender, Women and Health, “Addressing violence against women and achieving the Millennium Development Goals” (Geneva, Switzerland: World Health Organization, 2005), 28.

victims.⁸ Prior research internationally has suggested that one in three women experience violence in their lifetimes.⁹ According to the Council of Europe, domestic violence against women causes death and disability among women ages 16 to 44 at higher rates than war, cancer, or car accidents.¹⁰ In Portugal, for example, every month more than five women die from causes directly or indirectly related to domestic violence.¹¹ Despite its well-documented consequences, violence against women remains the least visible form of violence discussed and addressed by various governments.¹²

The common disregard for domestic violence perhaps is related to traditional definitions of security, which have focused more on international security than security at the intrastate, family, or especially individual level.¹³ Illegal acts that would be prosecuted when perpetrated against a stranger, neighbour, or in a public place are often overlooked when committed in the private realm, especially when they target women.¹⁴ Violating vulnerable groups such as women, children, persons with disabilities and the elderly creates and sustains broader structural and institutional inequalities that negatively impact democratic governance. Violence should thus be acknowledged as a public issue in order to address it from a social, political and economic perspective. Considering the negative impact of domestic violence on society and institutions,¹⁵ the government also has a vested interest in ensuring that domestic violence receives greater attention, including greater focus with human and financial resources.

Developing a governmental response to domestic violence, including strategies and programs for preventing violence, protecting victims, and prosecuting perpetrators, requires a clear understanding of the root causes of violence in order to address them; knowledge of the demographic and geographic groups most at risk of domestic violence; and input from key institutions and organizations dealing with domestic violence and its consequences. Unfortunately, the Government of Kosovo has had little access to such information. Like elsewhere in the world, domestic violence is difficult to measure as the crime remains underreported and unrecorded. Institutions often fail to consistently collect and analyze data about domestic violence.¹⁶

Considering the dearth of adequate and current information related to domestic violence in Kosovo, in April 2008 the Kosova Women's Network's (KWN) was contracted by

⁸ OSCE Mission in Kosovo and Ministry of Labour and Social Welfare (MLSW), "Responding to Incidents of Domestic Violence: Manual for Social Services Officers" (2006), 21. See also the KWN report written by Nicole Farnsworth, *Exploratory Research on the Extent of Gender-Based Violence in Kosova and Its Impact on Women's Reproductive Health* (Prishtina, Kosovo: KWN, 2008), which cites Kosovo Police Service (KPS) statistics that women are victims of domestic violence in more than 90 percent of cases.

⁹ Lori Heise, et al., "Ending Violence against Women," *Population Reports, Series L: Issues in World Health*, 11 (1999 Dec), 1-43.

¹⁰ For example, see Parliamentary Assembly of the Council of Europe, Recommendation 1582 (2002) I (1).

¹¹ See Government of Portugal, II National Plan Against Domestic Violence 2003-2006, Portuguese Government Resolution approved by the Council of Ministers on 13 May 2003.

¹² On the prevalence of violence against women in Europe and its consequences see Council of Europe Recommendation 1450 (2000) on Violence Against Women in Europe.

¹³ J. Ann Tickner, "You Just Don't Understand: Troubled Engagements between Feminists and IR Theorists," *International Studies Quarterly*, Vol. 41, No. 4. (Dec. 1997), 613.

¹⁴ Lori Heise et al., "A Global Overview of Gender-Based Violence," *International Journal of Gynaecology and Obstetrics*. 78 Suppl 1:S5-14 (2002): 5.

¹⁵ See chapter three. UNICEF also noted that focus should not only be placed on trafficking, but on domestic violence as well (KWN survey, June 2008).

¹⁶ Council of Europe, "Summary Action Plan Proposal on Violence Against Women" (1998).

the Women’s Safety and Security Initiative (WSSI), a collaborative project between the Agency for Gender Equality in the Prime Minister’s Office and the United Nations Development Programme (UNDP), to conduct research that would provide a comprehensive understanding of domestic violence in Kosovo. The main purpose of the research was to establish a firm foundation on which to base the Kosovo National Action Plan against Domestic Violence. The study focused on the “psychological, physical, sexual, and economic acts of abuse that are directed towards women/children/elderly people, handicap or other members of the family by intimate partners or family members,” as per WSSI requirements. The ambitious research project aimed to address the following objectives requested by WSSI:

1. Identify the range of forms of violence commonly occurring in the family.
2. Gain insights into citizens’ perceptions about what behaviours are abusive and in what circumstances.
3. Explore what methods citizens use to end violence or reduce its circumstances.
4. Document the consequences of family violence on women, the family, children, and society as a whole.
5. Identify society’s attitudes towards abusers and abusive relationships.
6. Determine the social constraints that deprive particular demographic and geographic groups in the private or public sphere.
7. Identify legal and institutional gaps for domestic violence outface.

The research project was the first extensive inquiry into the factors contributing to, extent of, and repercussions of domestic violence in Kosovo. As such, the resulting report provides invaluable information for policy-makers, non-governmental organizations dealing with this issue, researchers, donors, and others interested in creating targeted campaigns or programs to prevent future violence, better protect victims, and prosecute perpetrators.

This introductory chapter begins by defining key terms used throughout the report. It then provides a brief summary of the research method and details research limitations. The chapter concludes with a description of the structure of the report.

1. Definitions

Domestic violence or family violence

A debate related to domestic violence has been whether the term “domestic violence” includes all forms of violence that occur in a domestic environment (i.e. abuse of women, children, elderly and people with disabilities) or is limited to violence that takes place within sexual/marital relationships.¹⁷ The term “family violence” is preferred to respond to the broader extent of violence within families but often lacks a narrower focus on particular groups at higher risk of violence like women and children. Therefore this report employs the definition of “domestic violence” used in Kosovo’s applicable law.¹⁸

The Kosovo Criminal Code and Domestic Violence Regulation (UNMIK Regulation No. 2003/12) offer similar definitions of a “domestic relationship”. Domestic relationship is defined broadly in order to accommodate common forms of living in Kosovo by explicitly

¹⁷ Danilda and Leander for Operation Kvinnofrid, “The Worst Scars are on the Inside: Methods for counteracting violence against women,” (June 1999).

¹⁸ See chapter six for a full definition.

listing which persons are considered members of a household. Based on this definition, one can determine which family members in a household are victims of domestic violence. A domestic relationship is defined as a “relationship between two persons”:

- (a) Who are engaged or married to each other or are co-habiting with each other without marriage;
- (b) Who share a primary household in common and who are related by blood, marriage, or adoption or are in a guardian relationship, including parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews, or cousins; or
- (c) Who are the parents of a common child.¹⁹

Thus, for example, acts of “domestic violence” could occur between an uncle and niece or between a girlfriend and boyfriend who reside in the same household. In such cases, the perpetrator should be criminally prosecuted in accordance with applicable law.

The Kosovo Criminal Code does not offer a separate definition of “domestic violence” *per se*, but defines various criminal offences that may be committed in the context of domestic relationships, such as: light bodily harm; grievous bodily harm; coercion; threat; unlawful deprivation of liberty; unlawful abduction of a child; mistreating or abandoning a child; violating family obligations like leaving a family member incapable of taking care of himself/herself in a situation of distress;²⁰ theft; aggravated theft; misappropriation or taking in possession movable property; damaging movable property; fraud; damages caused to the person’s right to property; establishing slavery, slavery-like conditions and forced labour; rape (including marital rape); sexual assault; degrading sexual integrity; and sexual abuse of persons with mental or emotional disorders or disabilities in a domestic relationship. Notably, since January 2003 offences against sexual integrity like rape are applicable to all persons, including cases when the perpetrator and the victim are married.²¹ According to criminal law, all the aforementioned offences should be considered acts of domestic violence.²²

In addition to the Criminal Code, the Domestic Violence Regulation offers a definition of the acts or omissions committed in a domestic relationship as a basis for the issuance of protection orders in a civil court procedure.²³ According to the Domestic Violence Regulation, the following acts or omissions are considered a basis for issuing a protection order if conducted in a domestic relationship:

¹⁹ See Article 107 (24) of UNMIK Regulation 2003/25 on the Provisional Criminal Code of Kosovo and UNMIK Regulation 2003/12, Article 1.1.

²⁰ Article 212 (1) states, “Whoever seriously violates his or her legal family obligations leaving a family member who is incapable of taking care of himself or herself in a situation of distress.”

²¹ See UNMIK Regulation 2003/01 Amending the Applicable Law on Criminal Offences Involving Sexual Violence, Section 1.1 (1) and paragraph 4 of the preamble of the Regulation.

²² See OSCE and MLSW, *Responding to Incidents of Domestic Violence: Manual for Social Service Officers*, (Prishtina: 2006), 24.

²³ The Domestic Violence Regulation requires that the procedures foreseen under the Law on Contested Procedure are used when petitioning or issuing protection orders (see Articles 6.3, 7.3, 8.4, 8.6, 9.4, 10.4, 10.6, 13.4, 13.6 and 18.2). However some acts like light bodily injury, violation of protection orders, non-consensual sexual acts or sexual exploitation, kidnapping, and damaging the property of another person are enlisted as criminal offences related to domestic violence when conducted in a domestic relationship and require *ex officio* prosecution according to criminal procedure.

- (a) Inflicting bodily injury;
- (b) Non-consensual sexual acts or sexual exploitation;
- (c) Causing the other person to fear for his or her physical, emotional or economic well-being;
- (d) Kidnapping;
- (e) Causing property damage;
- (f) Unlawfully limiting the freedom of movement of the other person;
- (g) Forcibly entering the property of the other person;
- (h) Forcibly removing the other person from a common residence;
- (i) Prohibiting the other person from entering or leaving a common residence; or
- (a) Engaging in a pattern of conduct with the intent to degrade the other person.²⁴

The Law on Peace and Public Order can also be applied to domestic disputes. It includes minor offences for persons who violate the public peace by: physically attacking and ill treating someone else; participating in fights; being insulting; endangering the personal safety of another by threatening physical attack; and breaking the peace by quarrelling, screaming, or provoking fighting in a public place. If these acts are carried out while under the influence of drugs or alcohol, the court may impose a protective measure of medical treatment for drug or alcohol addiction.²⁵

Domestic violence as a form of gender-based violence

Gender-based violence is a form of violence targeting a person because of her or his gender. The UN Convention on Elimination of All Forms of Discrimination Against Women interprets gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately [...] including acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”²⁶ Domestic violence is also considered a form of gender-based violence. This report recognizes that violence in homes directed at women and girls because of their gender is a form of gender-based violence. Violence directed against boys and men because of their gender is also a form of gender-based violence.²⁷ Since research in Kosovo indicates that domestic violence most often targets women because of their gender,²⁸ this report often refers to domestic violence against women. As applicable, the report also refers to domestic violence that specifically targets children, the elderly, people with disabilities, or other particular demographic and geographic groups.

²⁴ UNMIK Regulation 2003/12, Art. 1.2.

²⁵ Art. 21, Sec. 1.

²⁶ CEDAW General Recommendation 19 on Violence against Women.

²⁷ See the section on violence against children in chapter two, which evidences gender-based violence against boys.

²⁸ Chapter two discusses the prevalence of violence targeting women and other demographic groups. See chapter five, which discusses how gender-based discrimination against women in Kosovo may impact their social position, including their level of educational attainment and employment opportunities. Discriminatory practices can potentially place women in precarious positions in which domestic violence is more likely to occur.

Victims or survivors

The term “victim” tends to involve images of individuals, especially women, as objects rather than subjects. Portraying women as powerless objects of violence can homogenize women, deny their individual life experiences, and ignore their human agency. Ignoring women’s agency or potential for agency can be disempowering, as opposed to empowering. Thus defining and treating women as victims can lead to their dependency on institutions or violent husbands rather than supporting their independence. An alternative term used by some activists is “survivors” of domestic violence, which emphasizes instead women’s and others’ agency and strength in overcoming violent situations. However, the term “survivors” may dissuade governments and donors from financially supporting programs for persons who have suffered from violence; if they survived (e.g., are not victims), then why do they need financial aid, financial supporters might ask. While the term “survivors” is preferable when considering long-term institutional and organizational responses and reintegration programs, this report uses the term “victim” to respond to current definitions used in the applicable law and available reports.

Kosova or Kosovo

The majority of the population residing in the Republic of Kosovo refers to the country as “Kosova.” However, this report uses the term “Kosovo” in reference to current official reports and legislation in the English language. Names of organizations and report titles using “Kosova” have not been changed.

2. Methodology

The KWN research team employed a mixed methods methodology,²⁹ summarized in this section. First, KWN conducted a Kosovo-wide survey of 1,256 persons of all ages and ethnic groups from 28 April to 7 May 2008.³⁰ The survey instrument contained primarily close-ended questions. However, the vast majority of questions were posed as open-ended in a conversation style, with the surveyor circling the most applicable answer(s).³¹ An “other” category with an option to write in alternative answers was also provided. The research team conducted a pilot survey three days before the actual survey. The survey instrument was adjusted, and the pilot surveys were discarded.

KWN hired 35 surveyors with at least two years completed university education in psychology. They attended a mandatory one-day training to ensure that they were familiar with the research mandate, survey instrument, sampling method, control procedures, and logistics.³² The surveyors also participated in a discussion led by a psychology professor on how to handle various situations that could arise during surveying, such as respondents showing signs of trauma or family members interfering. The team was instructed to use a sensitive method of surveying that protected respondents’ security and emotional well-being.

²⁹ Scott A. Murray and Lesley J.C. Graham have argued that mixed method methodologies can be useful for conducting inquiries into under-researched topics. See “Practice based health needs assessment: use of four methods in a small neighbourhood” *BMJ* 310 (1995), 1443-1448.

³⁰ The Statistical Office of Kosovo (SOK) has estimated Kosovo’s population at 2.1 million (2,126,708) inhabitants. See *Kosovo in Figures 2007* (Prishtina: SOK, April 2008), 10. Adults comprise more than 64 percent of the population (age 18 and over) (SOK, *Women and Men in Kosovo*, Prishtina: 2007, 3). The margin of error for this sample is 1.257 percent.

³¹ The survey instrument is located in appendix two.

³² Professor Nait Vrenezi and Professor Aliriza Arënliu led the training.

KWN abided by high ethical standards for research with human subjects. In general, surveys with male respondents were carried out by male researchers and surveys with female respondents with female researchers. Surveyors used a standard oral consent form to inform respondents about the research and how information from surveys would be used. KWN sought to maximize positive benefits for respondents (e.g., the opportunity to speak about personal experiences, receive information about available services, provide input for the government's National Action Plan against Domestic Violence).³³ Surveys were administered informally with a conversation style that aimed to maximise respondents' comfort. Confidentiality was ensured as potential identifiers such as address, city, and telephone number were kept on a form separate from the surveys. The contact information form was used only for quality control and then discarded.

A rigorous sampling method was used to ensure that the survey sample was representative, including:

- Geographic representation: The number of surveys carried out in each of 29 municipalities was determined according to the estimated percentage of the population living in each municipality in 2006.³⁴ Altogether, the survey involved 208 enumeration areas.³⁵
- Rural and urban representation: In this sample, 55.6 percent of respondents were from rural areas and 44.4 percent from urban areas.³⁶
- All ages over 18: A respondent from each household was selected randomly according to the nearest birthday technique.³⁷ Nearly one-fourth of the respondents (24.7 percent) were ages 18 to 25. People ages 26 to 35 comprised 21.0 percent of the sample, 36 to 45 were 21.3 percent, 46 to 55 were 17.4 percent, 56 to 65 were 9.2 percent, and persons ages 66 and over were 6.4 percent.³⁸

³³ For further information, please see the attached Statement and Consent Form (appendix five) that all researchers read and received oral approval on before commencing the discussion.

³⁴ Calculated according to SOK, *Statistical Atlas 2008* (Prishtina: SOK, April 2008). KWN did not survey persons living in Novo Brdo due to the political situation there prior to the elections in Serbia, which made it unsafe for researchers. Further, any findings from Novo Brdo municipality would have proven statistically insignificant in the larger sample, as only an estimated 0.19 percent of the population resides there. The percentage of surveys conducted in each municipality was as follows: Leposaviq 1 percent, Zvecan 1.4 percent, Zubin Potok 0.8 percent, Mitrovica 4.4 percent, Podujevo 5.3 percent, Vushtrri 3.9 percent, Skenderaj 3.1 percent, Istog 2.2 percent, Peja 5.3 percent, Kline 3.1 percent, Glogoc 2.3 percent, Obiliq 2.1 percent, Prishtina 14.1 percent, Kamenica 2.5 percent, Fushe Kosova 1.5 percent, Gjilan 4.5 percent, Lipjan 3.4 percent, Malisheva 2.6 percent, Decan 3.1 percent, Gjakova 4.9 percent, Rahovec 2.1 percent, Suhareka 2.9 percent, Shtime 1.1 percent, Feriazj 5.4 percent, Viti 2.5 percent, Kacanik 1.5 percent, Prizren 9.7 percent, Dragash 2.5 percent, and Shterpc 0.6 percent.

³⁵ Surveys were conducted at least five houses apart in each enumeration area.

³⁶ The Living Standard Measurement Survey in 2000 estimated the rural population at 60 percent. For this research, rural was defined as having a population under 10,000 people, and urban was defined as having a population of 10,000 or more. More specifically, 45 percent of respondents were from villages (defined as 1-5,000 people), 12 percent from towns (5,000 – 10,000 people), and 43 percent from cities (10,000 or more people). Population estimates from Trimaks kartografija, "Kosova: Hartë Rrugore," (Prishtina, Kosovo).

³⁷ According to this technique, the person with the birth date nearest the day on which the survey is conducted is surveyed.

³⁸ According to law, a "child" is defined as a person under 18 years of age (Provisional Criminal Code of Kosovo, UNMIK/Reg/2003/25, Art. 107, (21)). The research team purposely did not survey children due to the ethical sensitivities involved and necessary training required for researchers. However, information related to

- **Sex:** Males and females were selected randomly according to the nearest birthday technique. Female respondents comprised 50.6 percent of the sample and males 49.4 percent.³⁹
- **Ethnicity:** The sample was comprised of 82.3 percent Albanians, 7.8 percent Serbs, 3.7 percent Roma, Ashkali, or Egyptians, 1.9 percent Bosnians, 1.8 percent Gorans, 2.4 percent Turks, and one “Other” (0.1 percent). In order to make conclusions related to ethnic groups, KWN purposefully over-sampled minority citizens.⁴⁰

Quality control was carried out by two KWN representatives who checked completed surveys and controlled surveys by telephoning a randomly selected 10 percent of respondents. Six persons not involved in surveying entered quantitative information into SPSS 13.0 for data analysis. The KWN Lead Researcher conducted the initial analysis and a statistician analyzed correlation. Three researchers not involved in surveying entered qualitative information such as anecdotes, anonymous quotations, and recommendations for the government into a Microsoft Word database where they were coded.

Second, KWN involved a legal gender expert to review relevant law, legislation, and social services available in relation to domestic violence. She identified legal and institutional gaps and made recommendations for amending legislation and institutional response to better prevent violence, protect victims, and prosecute perpetrators. She drafted sections of this report.

Third, the KWN research team interviewed or sent surveys to 37 representatives of institutions, organizations, and experts dealing with issues related to domestic violence from the Ministry of Labour and Social Welfare (MLSW), Department for Social Welfare (DSW), Centres for Social Work (CSWs), Kosovo Police Service (KPS) Domestic Violence Unit, Ministry of Justice, Victims’ Advocacy and Assistance Division (VAAD), District Bureau for Juridical Help, Secretariat of the Juridical System in the Kosovo Judicial Council, Association of Pensioners, Blind Association of Women, Centre for Protection of Women and Children, Centre for Sheltering Women and Children, Centre for Social Emancipation, Council for Defence of Human Rights and Freedoms, Handikos, Hope and Homes for Children, Elysium, Liria, Medica Kosova, Kosova Rehabilitation Centre for Torture Victims, Norma, One to One, Partners Kosova, Safe House Gjakova, UNICEF, Vita Jeta, and the Women’s Wellness Centre.

All research findings were translated by KWN research team members from Albanian or Serbian to English. The Lead Researcher compiled the final report in English based on the aforementioned data sources. The report was then translated into Albanian and Serbian by the Agency for Gender Equality (AGE). All the aforementioned institutions and organizations had the opportunity to check the final report for errors and suggest revisions. Finally, AGE and KWN organized in Prishtina a half-day focus group with experts and representatives of these organizations and institutions to discuss research findings and clarify report recommendations.

domestic violence against children can be drawn from the interviews conducted with adults, as later sections of this report illustrate.

³⁹ According to SOK, 51.2 percent of the population in Kosovo is men and 48.8 percent women (*Women and Men in Kosovo*, 7).

⁴⁰ In relation to this research, “over-sample” means that KWN surveyed more people from minority ethnic groups than the percentage of the population that they comprise. For example, although Serbs comprise an estimated 5.3 percent of Kosovo’s population, they were 7.8 percent of the sample. According to SOK, in 2006 Albanians comprised an estimated 92 percent of the population, Serbs 5.3 percent, Roma 1.1 percent, 0.4 percent Turkish, and 1.2 percent “other” (*Demographic Changes of the Kosovo Population, 1948-2006*).

3. Research Limitations

First, the research team found the short timeframe challenging. More time would have permitted researchers to further review existing literature on domestic violence internationally and better formulate research questions and recommendations. Representatives of institutions and organizations questioned for this research also commented that more time would have enabled them to prepare more detailed answers. In the future, organizations conducting research with such a wide scope and multiple objectives should be granted more time (e.g., minimum six months to a year).

Second, institutions and organizations still do not maintain thorough statistics about the demographic groups most affected by domestic violence in Kosovo.⁴¹ Insufficient data makes determining the groups most at risk or identifying areas to target funds difficult, as this report later discusses. The absence of current census data makes all quantitative research, like the Kosovo-wide survey on domestic violence, difficult to plan and analyze accurately.⁴² Even so, the findings presented here are indicative for the diverse respondents surveyed and geographic areas studied.

Third, data was translated from Albanian and Serbian into English and then back into Albanian and Serbian. KWN used “participant checks” with representatives of institutions and examined closely the final publication to decrease error from translation.⁴³ Still, the research team acknowledges that any translation is problematic as particular words are difficult to find exact meanings for in other languages. The team apologizes in advance for any mistakes resulting from translation.

4. Structure of the Report

This report is divided into six chapters with sections within chapters. The first chapter deals with citizens’ perceptions about domestic violence, asking what behaviours citizens consider abusive and in what circumstances. The sections discuss citizens’ perceptions about what constitutes 1) domestic violence, 2) violence between partners, 3) violence against children, and 4) violence against other groups (e.g., the elderly, persons with special physical and psychological needs, and sexual minorities). Fifth, it presents citizens’ attitudes towards abusers and abusive relationships.

The second chapter examines the various forms of domestic violence in Kosovo and their pervasiveness, including isolation, psychological violence, physical violence, sexual violence, and economic violence. Drawing from existing statistics and the KWN Kosovo-wide survey, it then discusses the demographic and geographic groups most affected by domestic violence, as well as perpetrators of domestic violence.

The third chapter explores the consequences of domestic violence on 1) persons suffering from violence, 2) their families, 3) children, and 4) society, including governmental institutions.

⁴¹ Please see chapter six for more information about legal and institutional gaps related to data collection, research, and monitoring of domestic violence in Kosovo.

⁴² Since Kosovo Albanians boycotted the census carried out by the Government of Serbia in 1991, there has not been a census since 1981. The population has likely shifted and changed enormously since that time. SOK began preparations for a census with technical and financial support from the European Union three years ago, though a date for the census has yet to be determined.

⁴³ “Participant checks” contribute to validity, as respondents review their quotations, the findings, and recommendations for accuracy. For more information about “participant checks” see M. B. Miles & A. M. Huberman, *Qualitative data analysis: An expanded sourcebook* (Thousand Oaks, CA: Sage, 1994).

The fourth chapter examines citizens' response to domestic violence, including the methods they use to end violence or reduce its circumstances. The chapter first examines specific ways individual citizens deal with domestic violence. Second, it presents citizens' knowledge about assistance programs available for persons experiencing violence. The chapter concludes with citizens' recommendations as to how the government could prevent future domestic violence and improve assistance for people experiencing violence.

The fifth chapter considers social constraints that may deprive particular demographic groups in the public and private spheres, potentially increasing domestic violence. The often inter-related social constraints identified through this research include 1) lack of access to education; 2) early marriage and household conditions; 3) discriminatory gender roles and employment practices; 4) and power structures within the family.

The sixth and final chapter examines legal and institutional gaps in addressing domestic violence and presents recommendations for improving institutional response. More specifically, the chapter looks at legal and institutional gaps related to 1) protecting victims of domestic violence; 2) prosecuting perpetrators; 3) preventing domestic violence; and 4) enhancing overall government response to domestic violence. The report concludes with specific recommendations for improving both legal and institutional response to domestic violence. The recommendations are divided according to the particular agencies responsible for addressing each recommendation.

CHAPTER 1

CITIZENS' PERCEPTIONS ABOUT DOMESTIC VIOLENCE: WHAT IS ABUSIVE AND IN WHAT CIRCUMSTANCES?

Understanding how citizens define “domestic violence”, what behaviours they consider violent, and whether they think violence is more or less likely to occur or to be “acceptable” in particular circumstances is essential information for planning programs toward preventing domestic violence. Further, citizens’ definitions can help explain why violence may or may not be reported to institutions, as well as traditions or beliefs that may prevent people from reporting violence. Knowing which citizens from which demographic and geographic groups possess particular beliefs about violence can help institutions and organizations design targeted responses to misconceptions through awareness-raising campaigns.

This chapter draws from the KWN Kosovo-wide survey of 1,256 citizens in order to discuss what behaviours citizens believe constitute “domestic violence.” Second, it examines citizen perceptions regarding violence between partners, including in which situations violence may or may not be considered acceptable. Third, it looks at citizens’ perceptions regarding violence against children and what they believe constitutes violence against children. Fourth, it examines citizens’ perceptions regarding violence against other particular groups. Fifth and finally, the chapter discusses citizens’ attitudes regarding abusers and abusive relationships. Overall this brief chapter provides a foundation for the next chapter, which examines the overall extent of domestic violence in Kosovo.

1. Citizens’ Perceptions as to What Constitutes “Domestic Violence”

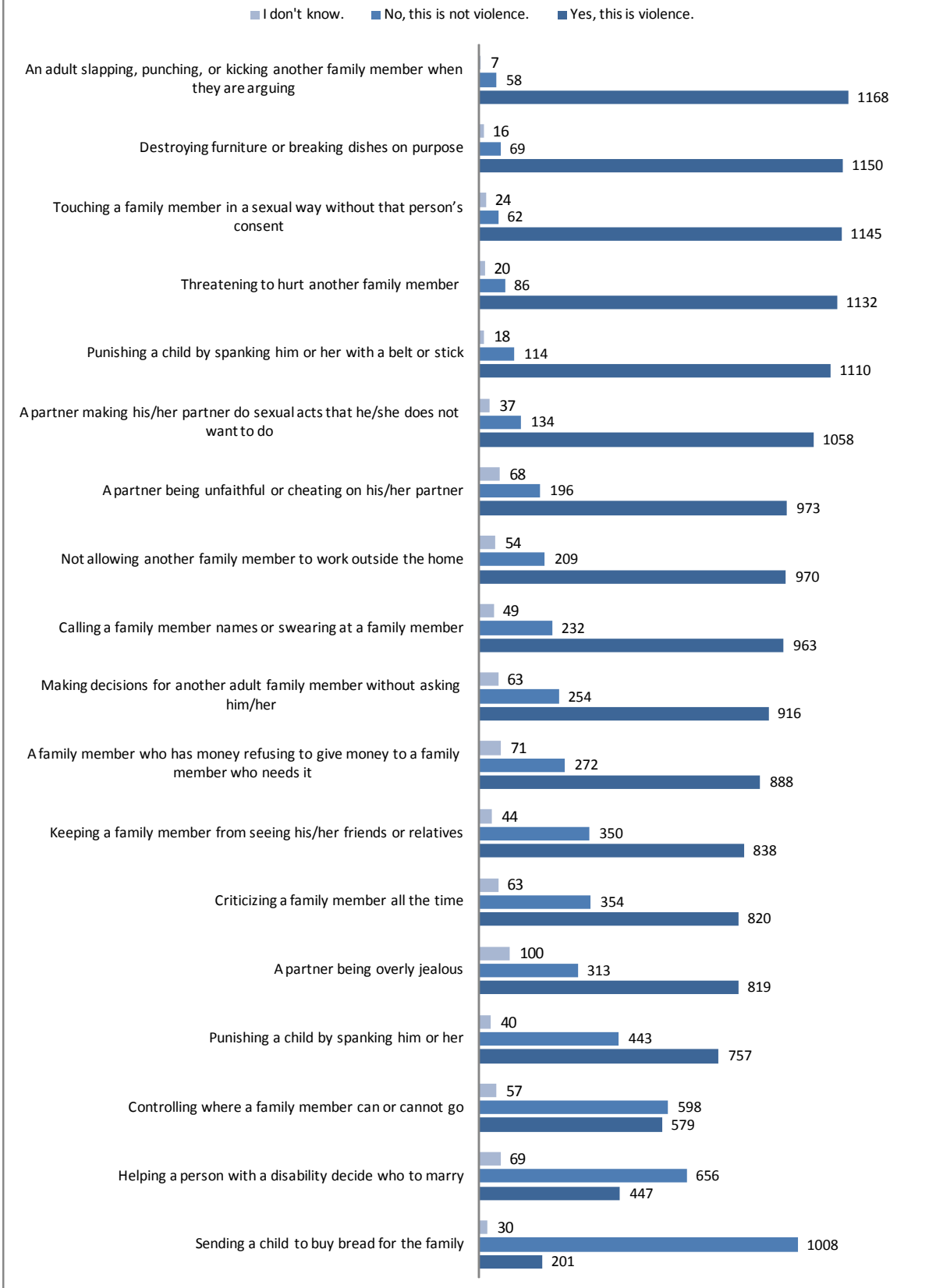
Graph 1.1 summarizes whether respondents considered various interactions that “could happen in a family” violence. More than 90 percent of the respondents considered the following interactions domestic violence: threatening to hurt another family member; touching a family member in a sexual way without that person’s consent; destroying furniture or breaking dishes on purpose; and an adult slapping, punching, or kicking another family member when they are arguing. More than 85 percent of respondents said a partner making his/her partner do sexual acts that he/she does not want to do and punishing a child by spanking him or her with a belt or stick were forms of violence. Approximately 78 percent of respondents said calling a family member names, swearing at a family member, and not allowing a family member to work outside the home was a form of violence. Nearly one-fourth of the respondents did not consider “being unfaithful or cheating on a partner” violence. Illustrating the common perception that infidelity is not violence, a woman commented that she requested a divorce not because of domestic violence but because she found out that her husband was cheating on her.¹

More than 70 percent of respondents said that violence involved a family member who has money refusing to give money to a family member who needs it and making decisions for another adult family member without asking him or her. More than 30 percent

¹ Albanian woman, divorced, age 26-35 from Kamenica municipality.

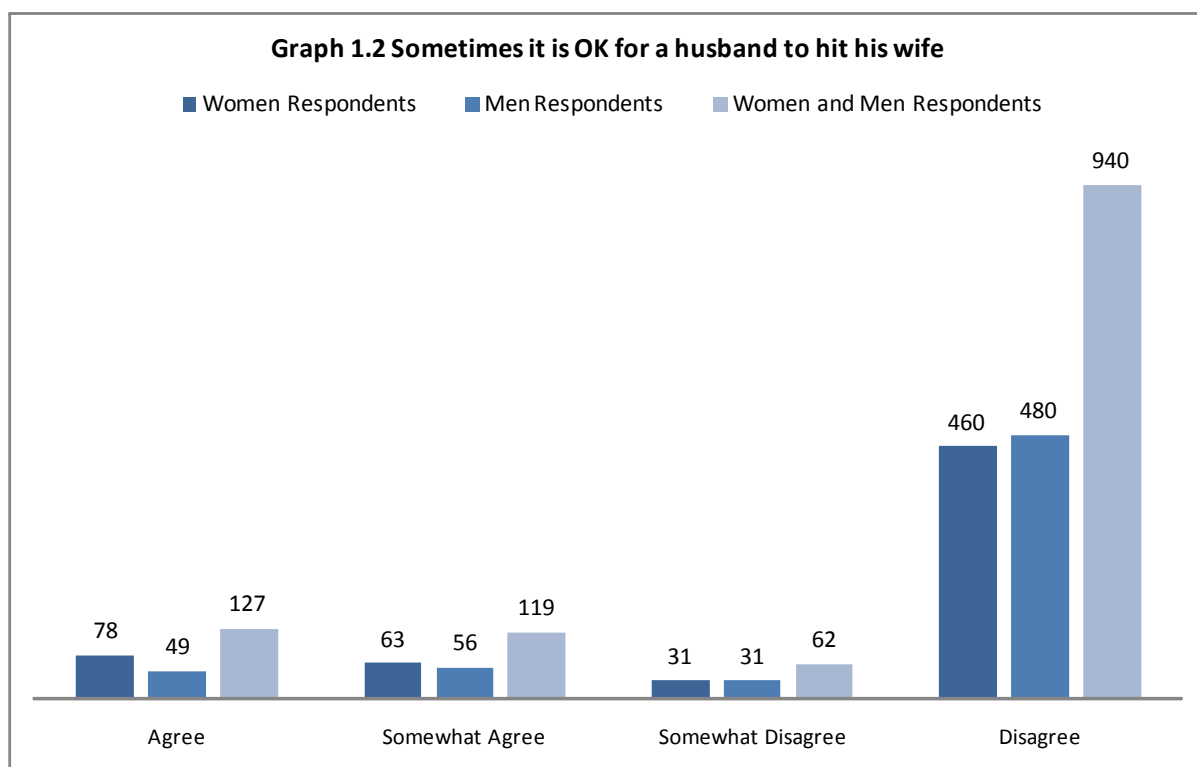
of respondents would *not* consider the following interactions forms of violence: keeping a family member from seeing his or her friends or relatives; criticizing a family member all the time; a partner being overly jealous; or punishing a child by spanking him or her. Nor did 48.2 percent consider controlling where family members can or cannot go a form of violence. While the opinions of women and men did not differ drastically, more women than men tended to consider most of these interactions violence.

Graph 1.1 Respondents' Perceptions of Which Interactions could be Considered Family Violence



2. Violence between Partners

While most respondents (74.9 percent) disagreed with the statement “Sometimes it is OK for a husband to hit his wife,” nearly 20 percent of the respondents “agreed” or “somewhat agreed” (see Graph 1.2). Female, rural, Roma, Ashkali, and Egyptian respondents were slightly more likely to agree. A woman commented, “From the first day I got married, I argued with my husband ... but it’s ok that women are undervalued and beaten by their husbands because it is not something unordinary.”² Another woman said, “You as a woman should understand your husband. Sometimes husbands have big problems, and as a woman you should not make him more nervous [angry], but try to understand him.”³ Perceptions could be changing as respondents age 45 and over tended to agree while younger respondents and people with higher levels of education tended to disagree.



More than one-third of the respondents believed “It is natural that physical violence happens sometimes when a couple argues.” Slightly more women and low income persons agreed with this statement, while urban respondents and persons with a university degree tended to disagree.⁴ For example, a woman commented, “If I don’t listen to my husband or I have bad behaviour, it’s normal to beat me.”⁵ Many respondents believed that family violence is “natural” or “bound to happen sometimes” if it occurs after someone drinks alcohol (43 percent)⁶ or because a husband is unemployed (62.4 percent). A man declared,

² Albanian woman age 56-65 from Gjakova municipality.

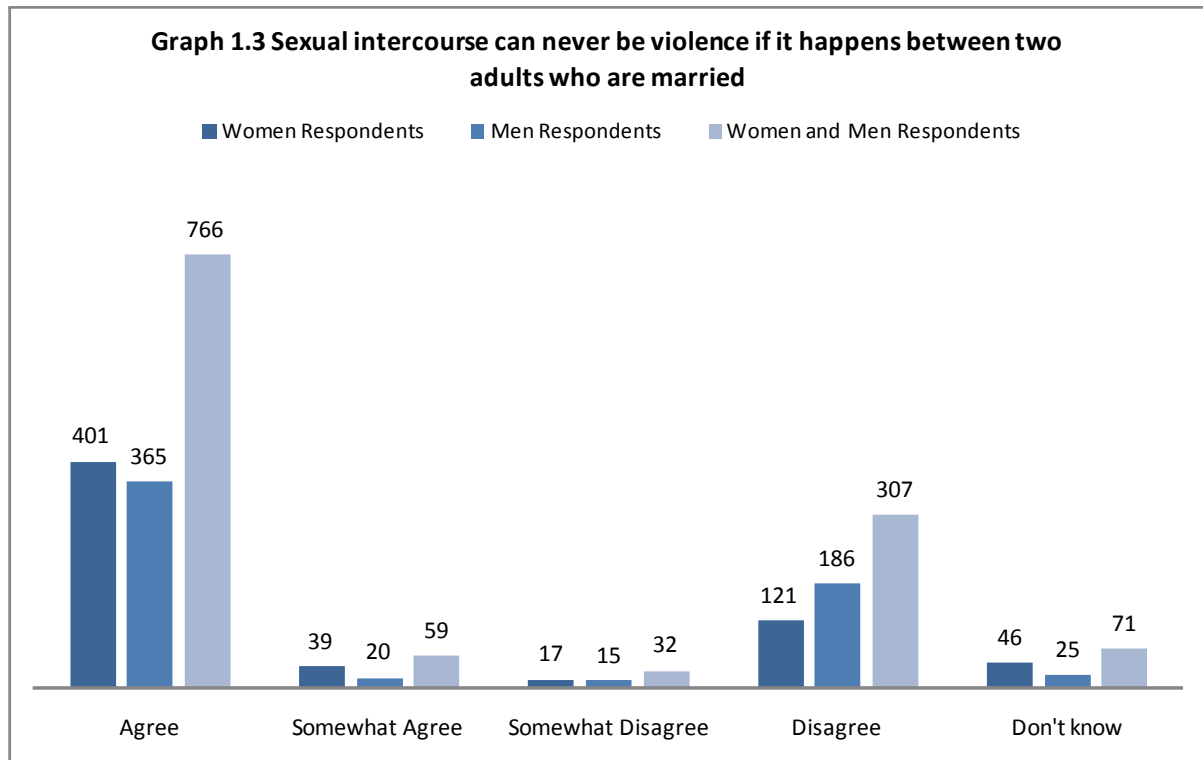
³ Albanian woman age 36-45 from Vushtrri municipality.

⁴ Nearly 37 percent of all women respondents agreed compared to 34 percent of all men respondents. In this correlation, low income meant less than 800 euros total household income from all sources in three months.

⁵ Albanian woman age 36-45 from Peja municipality.

⁶ People with lower levels of income tended to agree. Unless otherwise stated, “low income” means the respondent’s household income from all sources totalled less than 600 euros in three months.

“Women always are responsible for violence because nowadays women have extreme freedom, and have extreme requests, so when men can’t fill their requests because of unemployment they should beat their wife.”⁷ Rural people, with less than a university education and/or low income level tended to have this perception more than others. People from Obiliq, Klina and Malisheva municipalities also tended agree that violence happens when husbands are unemployed, illustrating the need for awareness-raising in these areas regarding peaceful conflict resolution techniques.



Sexual violence tends not to be recognized as domestic violence if it occurs between cohabitating partners. As Graph 1.3 illustrates, two-thirds of the respondents agreed with the statement “Sexual intercourse can never be violence if it happens between two adults who are married,” and an additional 5.7 percent of respondents did not know.⁸ KWN interviews with institutions have also shown that some civil servants do not consider sexual violence a form of violence when it occurs in a domestic relationship, even though this is defined clearly in the Criminal Code. For example, a victim advocate told KWN, “Here in Kosovo, this is a sensitive issue because you cannot say that [forcing the partner to have sex even though she doesn’t want to] is violence. Because when it happens between a married couple, its not violence any more ... At the moment that a sexual act begins, that is not violence, but making love.”⁹ Clearly education campaigns about marital rape and sexual violence between partners are needed.¹⁰

⁷ Middle-aged Albanian man from Mitrovica municipality. He told the researcher that he married a Serbian woman and later beat her until the police arrested him.

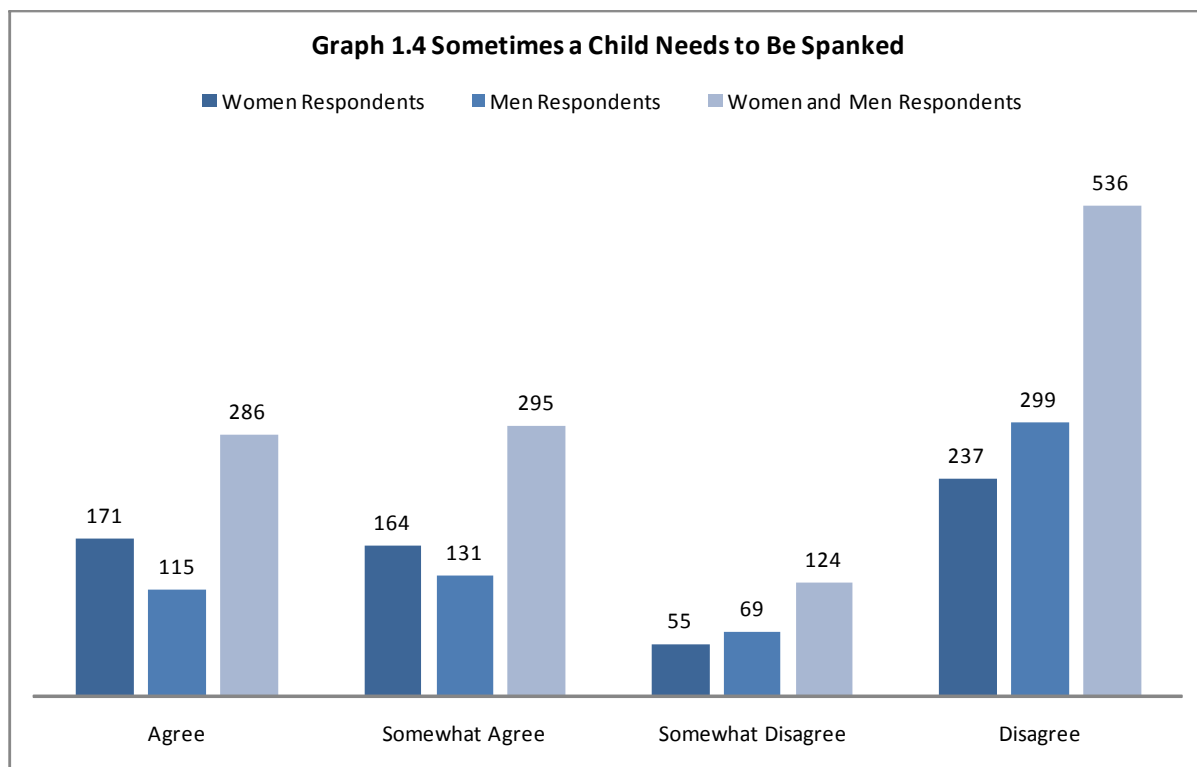
⁸ People in Prishtina, Peja, and Prizren tended to disagree with this statement perhaps due to information campaigns in these areas.

⁹ KWN interview for *Exploratory Research*, 2007.

¹⁰ Chapter six elaborates on this point.

3. Violence against Children

Almost all respondents agreed that “Children need to be disciplined”, but they disagreed regarding which methods to use. Nearly half the respondents, women more so than men, agreed that “sometimes a child needs to be spanked” (see Graph 1.4).¹¹ Respondents who were unemployed,¹² living in rural areas, had more than four people in their household, and/or were under age 45 tended to agree.¹³ Illustrating perceptions contributing to gender-based discrimination, 41 percent of women and men respondents believed “Boys should have stricter discipline than girls because it makes them strong” (Graph 1.5) while 47.2 percent said “Girls need more discipline than boys so that they will be morally correct”



(Graph 1.6). A slightly higher percentage of women respondents believed girls needed more discipline.¹⁴ People who were unemployed, had less than a university education, were from Prizren or Peja, and/or Albanian, tended to agree with the first statement. Rural, poor, and less educated people tended to agree with the second statement.¹⁵

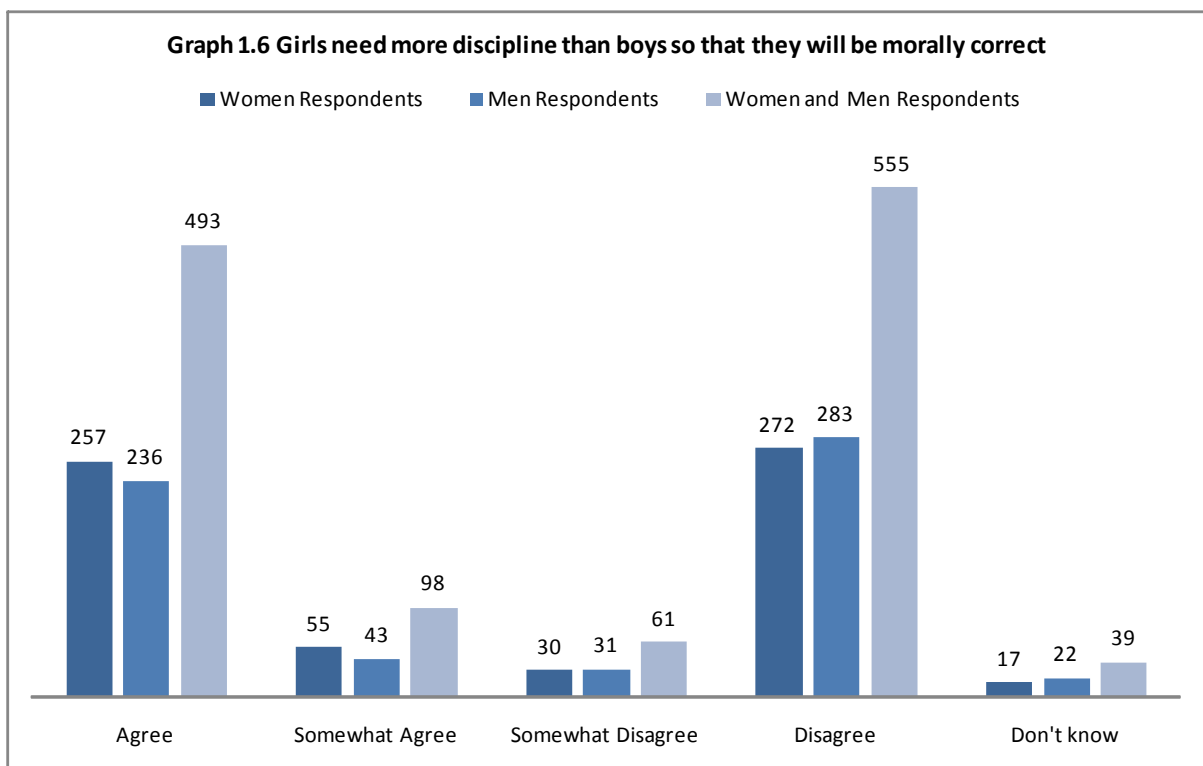
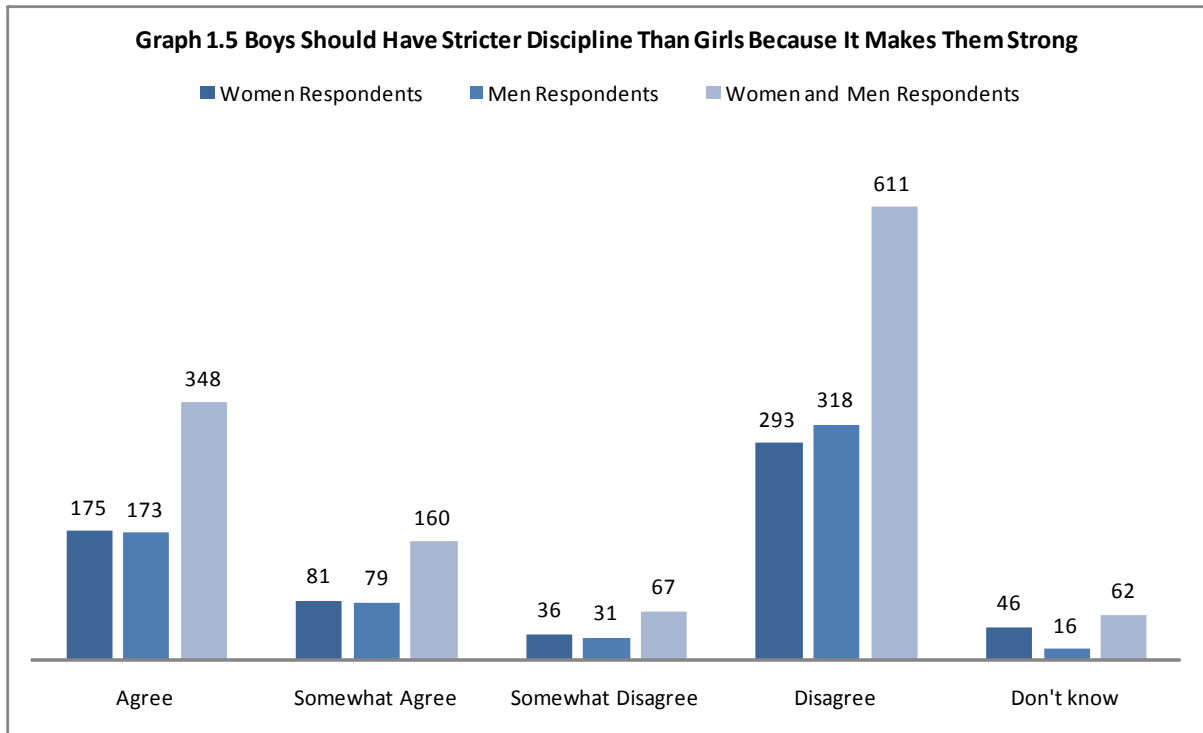
¹¹ More than half the women respondents (53.4 percent) agreed while 40.1 percent of men agreed.

¹² All respondents with total household income of less than 700 Euros in three months disagreed.

¹³ Respondents who were male, Albanian, Serb, had more than a secondary school education and/or low income tended to agree that spanking was a form of violence. Urban, Albanian, Serb, and/or respondents under age 35 tended to consider spanking with a belt or stick violence. Bosnians were less likely to consider it violence.

¹⁴ Among all women respondents, 49.2 percent agreed compared to 45.1 percent of all men.

¹⁵ Less than a secondary school education.



4. Perceived Forms of Violence against Other Groups

According to tradition, young women and new wives assume most cooking and cleaning responsibilities in the household. Their unequal role in the family could be considered a form of discrimination and in some circumstances violence. Slightly more than two-thirds of the respondents agreed that “New wives [*nuse* in Albanian] are supposed to have more responsibilities for cleaning and cooking than other family members.” People living in rural areas (particularly in Gillogvc, Skenderaj, and Fushe Kosova municipalities), with less than a

university degree, and/or low income tended to agree.¹⁶ Interestingly, women tended to agree more with this statement than men, indicating that women may be enforcing culturally discriminatory practices against other women.¹⁷ People under age 45 tended to disagree, which indicates that perceptions may be changing with the younger generation.

With relatively few affordable or available homes for elderly persons in Kosovo and according to the traditional composition of the family unit, the elderly tend to reside with their children or other relatives. Nearly 40 percent of the survey respondents considered old people a burden on the family (36.8 percent of women compared to 39.9 percent of men). Sadly, older respondents tended to agree with this statement more than younger people.¹⁸ Further research is needed regarding citizens' perceptions about the elderly.

Although 87.2 percent of respondents disagreed with the statement "Persons with handicaps should stay inside their house because they bring shame to the family," 9.1 percent agreed.¹⁹ Women were more likely to agree than men.²⁰ Also, people in rural areas and/or low income were more likely to agree. Their responses could indicate that persons with disabilities are being isolated within their families, an issue the next chapter discusses further. More than half the respondents *did not* consider "helping a person with a disability decide who to marry," a form of violence. This perception is concerning as activists have reported cases of persons with physical and mental disabilities being forced to marry against their will, as the next chapter illustrates.

5. Citizens' Attitudes towards Abusers and Abusive relationships

Most respondents, 82.1 percent, agreed, "If neighbours knew that one family had violence happening inside, they would consider it shameful" (see Graph 1.7). Low income and/or Turkish respondents tended to agree more than others.²¹ Most respondents (93 percent) also agreed that "Any man who hits his wife should be ashamed of himself." These responses indicate firstly that domestic violence is generally considered shameful or morally wrong and secondly that people may thus be disinclined to report violence occurring within their family because they do not want to feel ashamed in the company of neighbours.

Importantly, 38.9 percent of respondents agreed that "Violence is a normal part of any relationship, and society in general accepts that violence happens sometimes" (see Graph 1.8). Forty-one percent of men agreed with this statement compared to 37 percent of women. People in rural areas and/or with very low income tended to agree.²² If citizens consider violence "normal," then they may be disinclined to report it, which could explain in part why violence is underreported.

¹⁶ The correlation with low income was 800 euros or less total household income for three months.

¹⁷ Nearly 70 percent of all women agreed with this statement compared to 64 percent of all men.

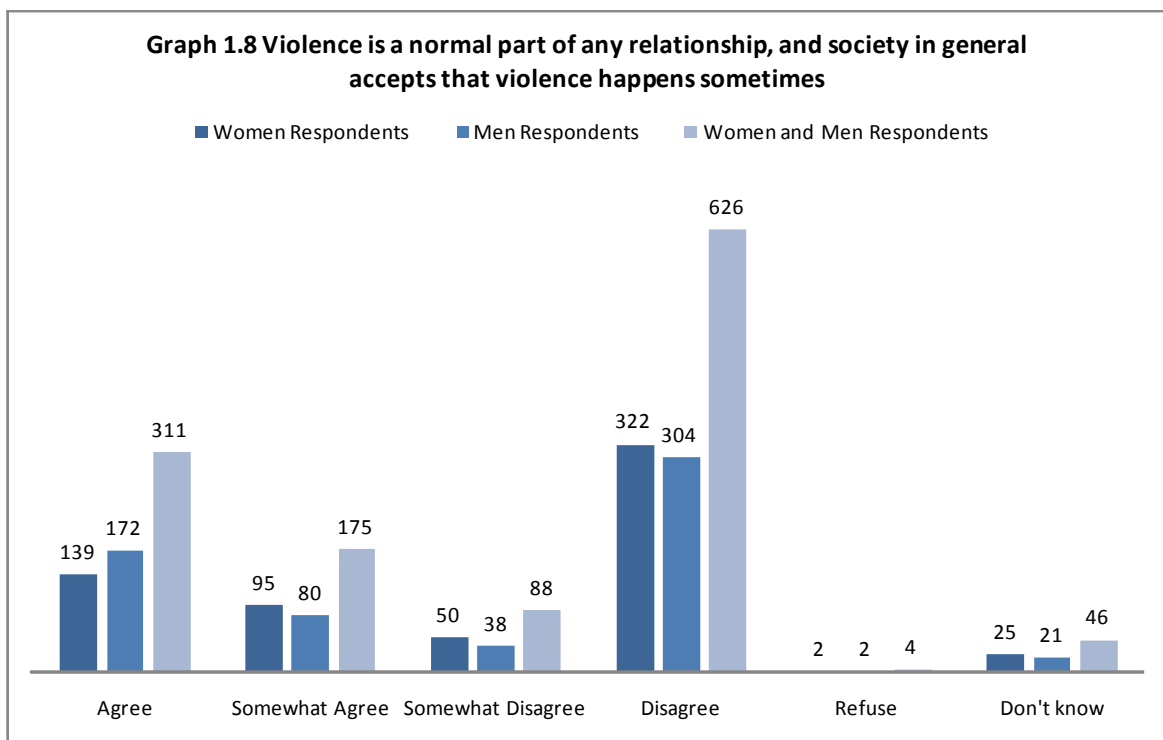
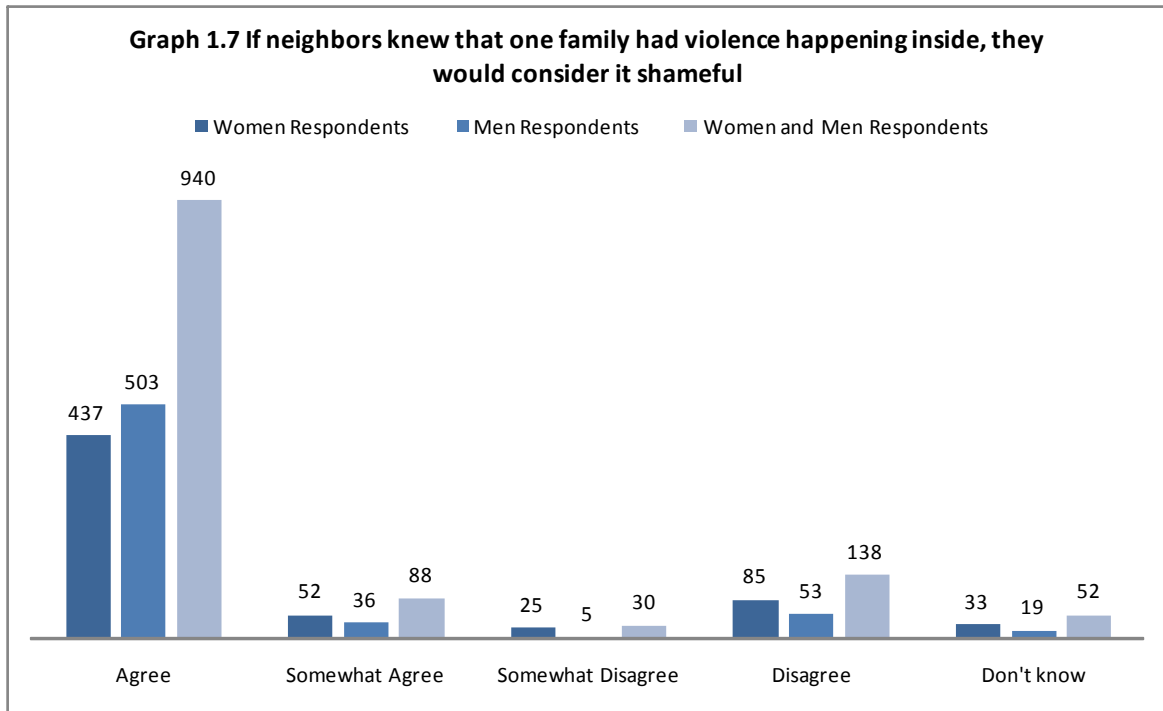
¹⁸ People with less than a primary school education also tended to agree. People from Prishtina and Peja tended to disagree.

¹⁹ Three percent of respondents "did not know."

²⁰ Nearly 11 percent of women agreed compared to 7.4 percent of men.

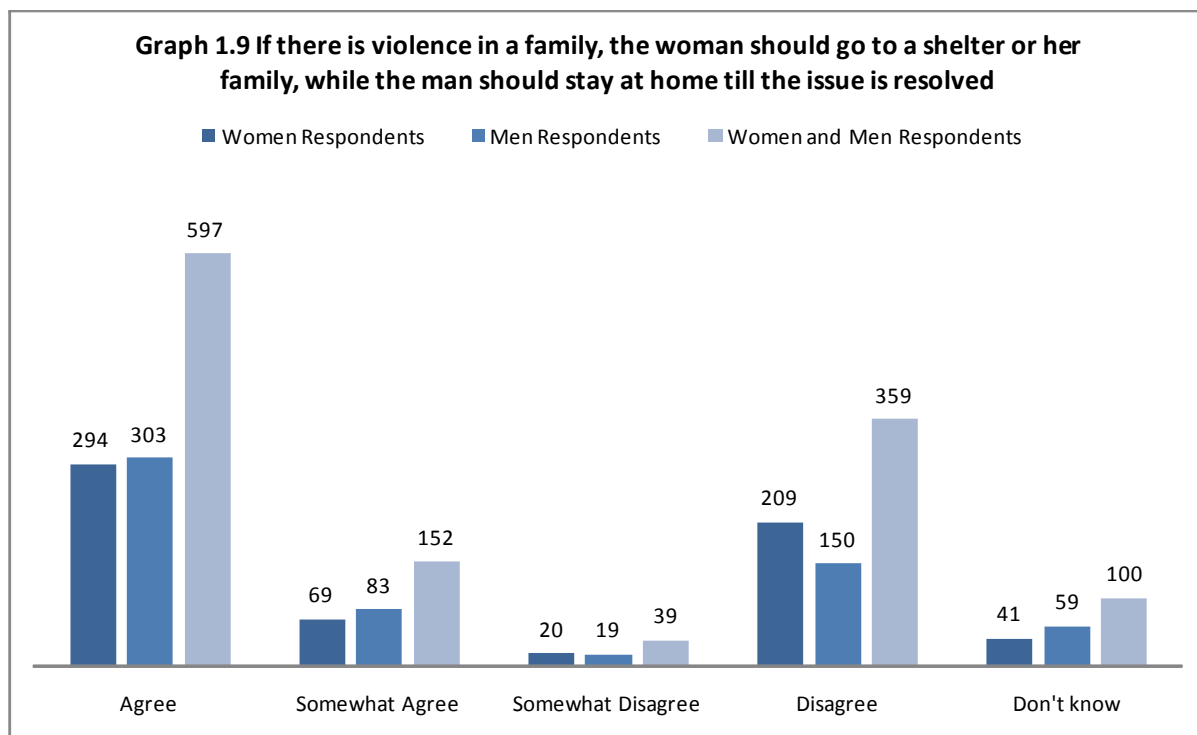
²¹ People in Peja and Mitrovica tended to disagree with this statement.

²² The correlation was with respondents whose total household income was less than 400 Euros in three months.



Yet, 91.6 percent of respondents believed that “Perpetrators of family violence are guilty and should be punished by law.” People from rural areas and/or unemployed were slightly more likely to disagree with this statement, while people from Peja and Prishtina in particular tended to agree. Perhaps this could be attributed in part to the numerous awareness-raising campaigns led by NGOs in these two cities. As Graph 1.9 illustrates, sixty percent of respondents believed, “If there is violence in a family, the woman should go to a shelter or her family, while the man should stay at home until the issue is resolved.” The

second statement seems to contradict the widely held belief perpetrators should be punished. At the same time, it illustrates common assumptions that property should be owned and controlled by men, a discriminatory practice in Kosovo that violates existing domestic law.²³



In conclusion, citizens still generally consider domestic violence shameful, which may mean that people are disinclined to report it. While most people believe abusers should be punished, many at the same time think domestic violence is a normal part of any relationship, accepted by society, and that alcoholism and unemployment in particular justify violence. People especially lacked knowledge regarding marital rape and sexual violence between partners. Awareness-raising efforts should dispel such myths, targeting people in rural areas, with lower levels of education, the unemployed, and the poor.

²³ The issue of property ownership is discussed further in chapter five.

CHAPTER 2

THE PERVASIVENESS AND MAIN FORMS OF DOMESTIC VIOLENCE IN KOSOVO

Since individual citizens tend to define domestic violence differently, as the last chapter illustrated, KWN based its definition of what acts constitute domestic violence on existing law in Kosovo, including the Criminal Code, Law on Peace and Public Order, and Domestic Violence Regulation.¹ Using these definitions as a guide, this chapter discusses the pervasiveness of each form of violence based on existing statistics, prior research, and the KWN Kosovo-wide survey of citizens. The chapter first provides an overview of the extent of domestic violence in Kosovo. It then examines the pervasiveness of main forms of domestic violence in Kosovo, including isolation (section two), psychological violence (section three), physical violence (section four), sexual violence (section five), and economic violence (section six). The chapter then explores which demographic groups have been most affected by domestic violence (section seven) and which persons are most likely to perpetrate domestic violence (section eight). Understanding the pervasiveness of various forms of violence, demographic groups most affected by violence, and most likely perpetrators of violence can be useful in planning prevention programs as well as more targeted protection for victims and prosecution for perpetrators.

1. Overview of Domestic Violence in Kosovo

Table 2.1 shows the number of domestic violence cases reported to institutions each year. KPS recorded the most cases: 7,660 cases since 2002.² Other institutions registered fewer cases because not all victims received assistance from VAAD and DSW. Medical facilities have yet to record the number of patients who show symptoms of domestic violence.³ However, during interviews in 2007 with KWN, 13 gynaecologists said they had seen approximately 819 to 1,372 cases of domestic violence during their practice. Only five gynaecologists had never seen a woman who experienced domestic violence.⁴

Table 2.1 Number of Domestic Violence Cases Reported by Year According to Various Sources⁵

Source	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
KPS			1273	1251	1318	1370	1371	1077		7660
VAAD ⁶				314	414	592	703	645	(Jun) 252	2920
MLSW/DSW ⁷					223	380	438	170	(Jun) 92	1303

¹ See the introduction and chapter six for more information about these laws.

² Data from years 2002-2004 from KPS, "Paraqitja tabelore e punës në gjashtë mujorin e pare / 2007" (Sheet of six months work / 2007), given to KWN in fall 2007. Years 2005-2007 from KPS, KWN survey, June 2008.

³ KWN, *Exploratory Research*, 17.

⁴ Ibid.

⁵ Since institutions often assist the same people, the totals from all institutions should not be added together.

⁶ Since the unit was formed in 2002, statistics are only available from 2003 (VAAD, KWN survey, June 2008).

⁷ MLSW/DSW, KWN survey, June 2008.

Taken together, the table illustrates that all institutions showed a steady increase in the number of reports of domestic violence until 2007, when the number of reports fell. However, statistics collected by institutions should not be interpreted as illustrative of the overall extent of domestic violence in Kosovo. Since not all cases are reported to institutions, an increase or decrease in the *number of reports* does not necessarily mean that domestic violence has increased or decreased in society. For example, an increase in reporting could perhaps be attributed to awareness-raising campaigns that encouraged people to break free from violent situations, the promulgation of appropriate domestic violence legislation, or the establishment of assistance and protection mechanisms for victims that made them feel more secure about reporting violence. This would not mean *more* instances of domestic violence, but rather that *more* people were reporting it. As a KPS officer commented, “Domestic violence also occurred in the past, but it was treated more like a private issue than a criminal act.”⁸ She seemed to believe the situation was changing and that more people were coming forward to report violence.

However, representatives of NGOs and the Kosovo Ministry of Labour and Social Welfare and Organization for Security and Cooperation in Europe (OSCE) believed that domestic violence continues to be underreported to institutions.⁹ An activist attributed the decline in the number of reports of domestic violence in 2007 to the lack of institutional response to prior complaints; the fact that so many reports of violence were still unresolved by the justice system¹⁰ deterred people from reporting violence, as they did not believe it would do any good.¹¹ As the last chapter illustrated, many citizens still consider domestic violence shameful, and the issue is still seldom discussed in the public sphere.¹² Prior research has suggested that underreporting may be due to a culture that considers domestic violence a private matter;¹³ informal ways of resolving disputes;¹⁴ reluctance among institutions’ personnel to intervene in private disagreements; and women’s attempts to avoid personal or family “shame”.¹⁵ Women may also hesitate to report violence because they risk revenge

“Quite often they don’t consider that they are victims of domestic violence... Or just because of shame they don’t declare violence.”

**-- Serb woman, age 46-55,
Strpce**

⁸ KPS, KWN survey, June 2008.

⁹ See, OSCE and MLSW Manual for Social Services and CPWC, *Annual Report 2002* (Prishtina: CPWC, 2003).

¹⁰ See chapter six for more information about delays in processing reports of domestic violence.

¹¹ Comment made to KWN representative, 2008.

¹² Renate Weber and Nicole Watson, ed., *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States* (Vienna: International Helsinki Federation, 2000), 515 and CPWC, *Annual Report 2002*, 19. Respondents to the Medica Mondiale Kosova survey said discussing violence against women was taboo. Yet, they wanted the issue to be discussed more publicly (Medica Mondiale Kosova by Flutura Zajmi, *Stop Violence: Results of a Survey Undertaken in Gjakova*, Gjakova: Medica Mondiale Kosova, 2000).

¹³ CPWC, *Annual Report 2003*, 22.

¹⁴ United Nations Children’s Fund (UNICEF), *Situation Analysis of Children and Women in Kosovo* (Kosovo: UNICEF, 2004), 70.

¹⁵ CPWC, *Annual Report 2003*, 27 and United Nations Development Fund for Women (UNIFEM) by Rachel Wareham, *No Safe Place: An Assessment on Violence against Women in Kosovo* (Prishtina: UNIFEM, 2000), 44.

from perpetrators, losing their children to other family members,¹⁶ and being ousted from their homes. Some people are unaware that life without violence is possible, perceiving violence as a normal part of any relationship.¹⁷

Through its Kosovo-wide survey, KWN found evidence that many Kosovars have not or would not report domestic violence. Nearly 40 percent of the survey respondents who had suffered violence said they did not tell anyone about it. While approximately 40 percent told another family member and 16.7 percent told a friend, only a couple told police, doctors, psychologists, or psychiatrists. Fifteen percent of all respondents said that if violence happened to them, they would never report it.¹⁸ Unreported cases are never documented by institutions, resulting in an underreporting of the overall extent of violence in Kosovo.

Considering underreporting to institutions, researchers have estimated the prevalence of domestic violence. Table 2.2 compares the results of their inquiries.

Table 2.2 Estimates of the Rate of Domestic Violence in Kosovo from Various Sources

Source	Sample	Year	Rate
CPWC	All clients throughout Kosovo who received psychological or physical assistance from CPWC (n=6437)	1995-2000	47.6%
WWC et al. Research	Percent of all women with partners who reported experiencing domestic violence (n=226)	1997-1998	36% ¹⁹
Medica Kosova	Survey in Gjakova municipality (percent of sample experiencing violence in their family) (n=440)	2000	21%
Medica Kosova	Survey in Gjakova municipality (percent of sample who <i>know a woman</i> experiencing violence in her family) (n=440)	2000	28%
UNIFEM	Kosovo Albanian respondents surveyed throughout Kosovo (n=216)	2000	23%
WWC et al. Research	Percent of all women with partners who reported experiencing domestic violence (n=212)	2001 - 2002	34%
<i>Voice of Women</i>	Survey throughout Kosovo representing various ethnic groups, respondents who <i>saw or heard arguments or violence in their neighbourhood</i> (n=1338)	2004	46%
<i>Voice of Women</i>	Survey throughout Kosovo representing various ethnic groups, respondents who <i>witnessed domestic violence</i> (n=1338)	2004	12%

Source: KWN, *Exploratory Research on The Extent of Gender-Based Violence in Kosovo and Its Impact on Women's Reproductive Health, 2008*.

From 1995 to 2000, CPWC reported that slightly less than half the clients who received assistance had suffered domestic violence.²⁰ Perhaps this is unsurprising since CPWC dealt

¹⁶ UNICEF, *Situation Analysis*, 70. UNICEF reported, "In situations where a mother chooses to leave an abusive relationship, there is a strong likelihood that she will lose access to her children who will remain the responsibility of the father's family."

¹⁷ CPWC, *Annual Report 2003*.

¹⁸ More than half of the 51 women interviewed for KWN's *Exploratory Research* did not report their most recent experience of violence to police.

¹⁹ Women's Wellness Centre (WWC) et al., *Prevalence of Gender-based Violence: Preliminary Findings from a Field Assessment in Nine Villages in the Peja Region, Kosovo*, (Peja: WWC, 2006), 6.

mainly with women and children experiencing violence from family members and/or Serb forces. Immediately after the war, UNIFEM surveyed 213 Kosovar Albanian women, and 23 percent had suffered domestic violence.²¹ Also in 2000, a Medica Mondiale Kosovo study conducted in Gjakova municipality showed that 21 percent of respondents had suffered family violence and 28 percent knew a woman experiencing violence.²² Following a survey of 500 men and women respondents in Ferizaj that same year, Afrodita women's organization found that 39 percent agreed with the statement "husbands beat their wives."²³ The broadest reaching survey, *Voice of Women*, in 2004, asked 1,338 women throughout Kosovo whether domestic violence occurred in their neighbourhood; 46 percent answered affirmatively, and 12 percent had witnessed a man physically abusing his wife.²⁴

In 2008, KWN conducted the first Kosovo-wide research on the topic of domestic violence, surveying 1,256 citizens. Even during one-on-one interviews, citizens may not feel comfortable disclosing that they have suffered domestic violence or may interpret "domestic violence" differently. Therefore KWN asked various questions to gather information about citizens' experiences. First, researchers asked citizens what they *believed* to be the rate of violence in their village or city.²⁵ As Graph 2.1 illustrates, approximately 20 percent of the respondents said domestic violence does not happen in their village or city.

²⁰ CPWC interviewed 6,437 clients throughout Kosovo between 1995 and 2000; 68 percent suffered a form of violence, and 70 percent of them said the perpetrators were family members (*Social Map on Women of Kosova 1995-2000 Sociological Interpretation*, Prishtina: CPWC, 2004). CPWC suggested that 70 percent of 680 women who suffered violence during the war were targeted by family members.

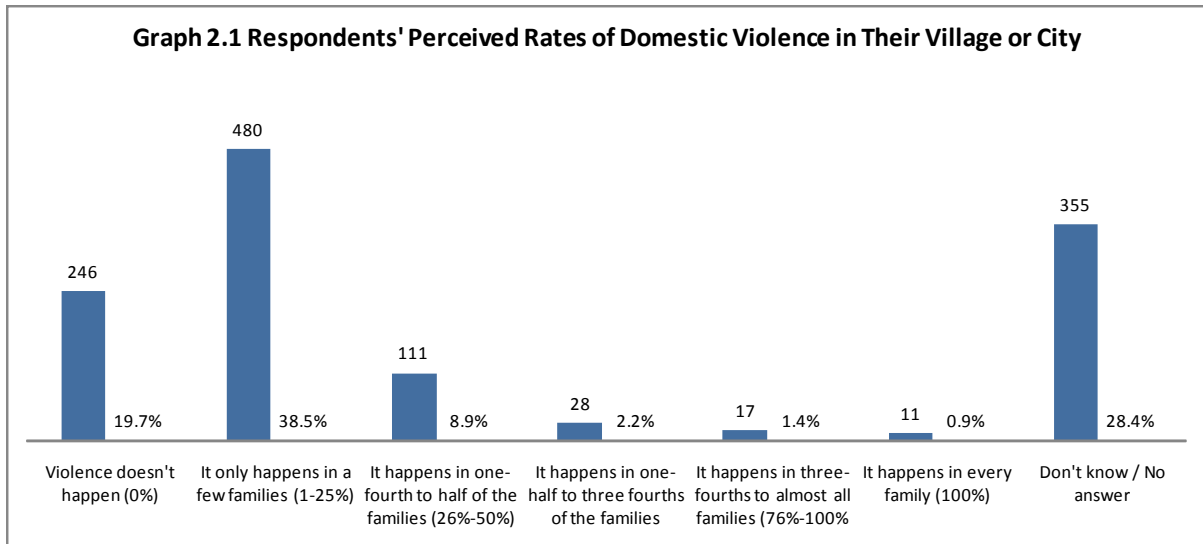
²¹ UNIFEM, *No Safe Place*, 15. OSCE and MLSW asserted that UNIFEM's was a "conservative estimate," as Kosovo had not established "a culture of reporting" (79).

²² Almost ten percent had suffered physical domestic violence, five respondents sexual violence, and 117 people psychological violence. Medica believed respondents may not have divulged experiences of violence due to a "deeply rooted" fear of speaking openly about domestic violence. Findings could not be generalized as the sample was not representative (*Stop Violence*).

²³ Cited in Chris Corrin, "Post-Conflict Reconstruction and Gender Analysis in Kosova," *International Feminist Journal of Politics* 3(1) (Routledge, 2000) 94; and Cari Clark, "Gender-based Violence Research Initiatives in Refugee, IDP, and Post-Conflict Settings: Lessons Learned" (Working Paper No. 17, Reproductive Health for Refugees Consortium, 2003).

²⁴ KWN, KWI, and UN Country Team in Kosovo, *Voice of Women*, (Prishtina: December 2004), 8-9.

²⁵ The question was based on the assumption that citizens would more accurately estimate the extent of violence in their village, town, or city than throughout Kosovo, especially in smaller cities. Still, estimates are based on citizens' perceptions and should not be considered indicative of the actual extent of violence.

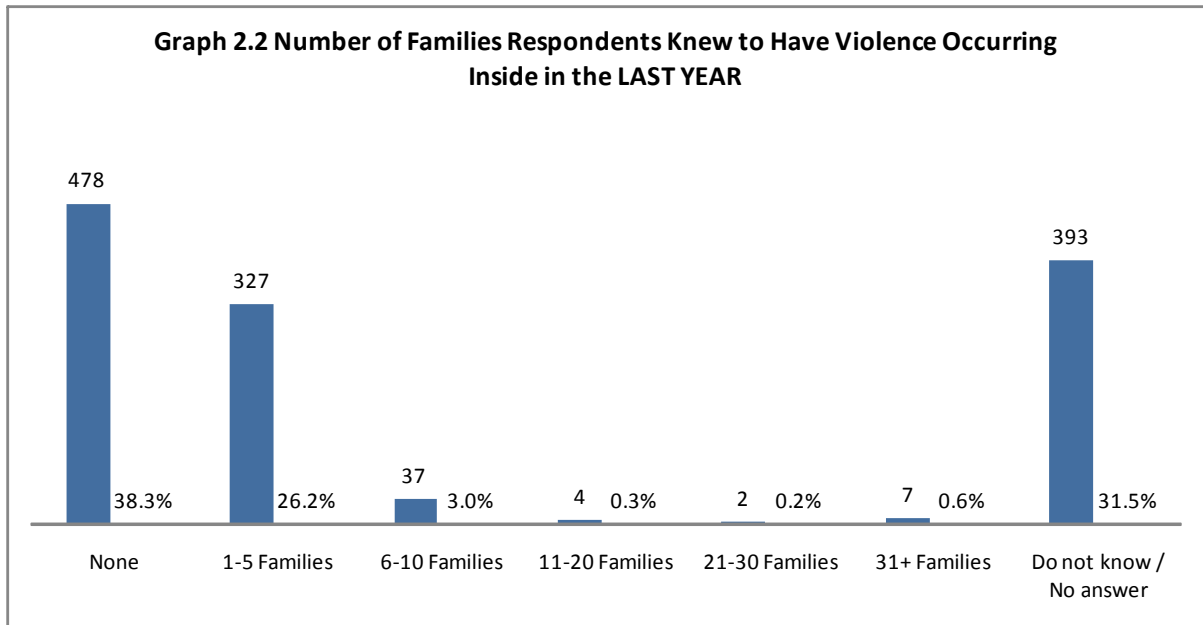


More than 38 percent said violence occurred in a few families (one to 25 percent). Nearly nine percent believed violence happened in one-fourth to half of the families, and 2.2 percent said in one-half to three-fourths of families. Only a few respondents believed violence occurred in every family, which suggests that violence was most certainly occurring within their 11 families. While men were inclined to answer “violence doesn’t happen,” more women believed that it occurred in a few families. Respondents from Bosnian, Roma/Ashkali/Egyptian, and Goran ethnic groups tended to think violence occurred in one-fourth to half of the families in their towns, suggesting a potentially higher rate of violence in these communities.

“I know ... that in my village there are three to four families suffering from violence. Two days ago an old man beat his wife. She was all black with bruises. In another family, the husband beats his wife. His brothers beat her too. About two days ago police came for this case.”

-- Albanian woman, age 36-45, Prishtina municipality

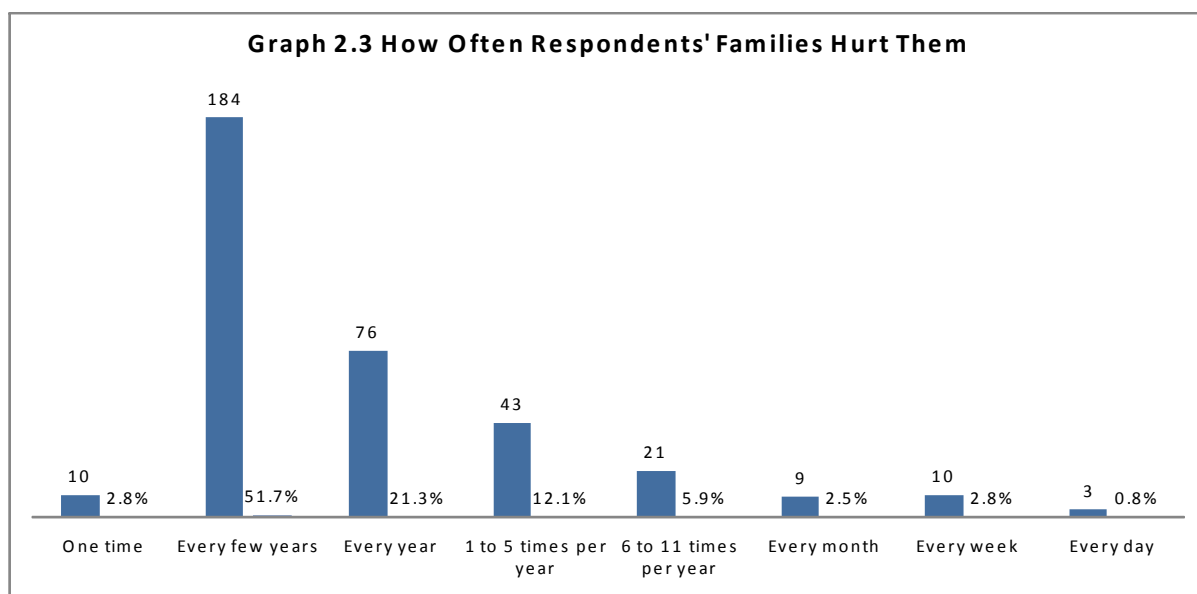
More than half of the respondents had seen family members yelling at each other in the last year. Nearly one-third had heard “Loud noises, as if two family members were hitting or pushing each other.” Again, respondents from minority groups often estimated hearing such noises every month while Albanians tended to estimate 5-11 times per year. Thirteen percent of the respondents had seen “A woman who has bruises like someone was hitting her.” As Graph 2.2 illustrates, approximately 30 percent of respondents knew at least one family where violence took place during the last year. More than one-fourth knew one to five families, three percent knew six to ten families, 0.3 percent knew 11 to 20 families, and 1.1 percent knew more than 11 families. Albanians tended to know one to four families, while minorities often did not answer the question or said they did not know.



Finally, researchers asked a series of questions to determine whether respondents themselves had ever experienced domestic violence. By describing forms of violence (outlined by law) as potential interactions in a family, KWN simplified the term “domestic violence” in ever day language that respondents would understand.²⁶ When all forms of violence were considered, 43 percent had experienced domestic violence at some point in their lives. More than 46 percent of all women had suffered domestic violence compared to 39.6 percent of all men. Compared to other demographic groups, respondents who were female, living in rural areas, poor,²⁷ and/or had less than a secondary school education were more likely to have experienced violence. Graph 2.3 illustrates how often respondents suffered domestic violence. Of the 356 respondents who answered this question, 51.7 percent were hurt by family members every few years, 21.3 percent every year, 12.1 percent one to five times per year, 2.5 percent every month, 2.8 percent every week, and three people every day.

²⁶ For example, while respondents might say they never experienced domestic violence, they might say they experienced specific acts like a family forbidding them from leaving the house in adulthood (isolation), or being spanked with a belt or stick.

²⁷ KWN found a correlation between experiencing violence and having low income or receiving social assistance.



In conclusion, 43 percent of survey respondents had suffered domestic violence in their lifetime with more women having experienced violence than men. Insufficient data exists to determine whether domestic violence has increased or decreased in Kosovo.²⁸ Only by conducting Kosovo-wide surveys regularly, such as every five years, can institutions and organizations monitor changes in people's perceptions and the prevalence of domestic violence. In doing so, it is essential that researchers break down abstract terms like "domestic violence" into people's every day language in order to measure more accurately the extent of violence.

2. Isolation²⁹

A potentially common though underreported category of domestic violence in Kosovo is isolation. The Social Service Officers' handbook defines isolation as moments when "perpetrators exert efforts to control the victim's environment."³⁰ Controlling an environment can involve crimes mentioned in the Criminal Code, including: threat, unlawful deprivation of liberty, establishing slavery, slavery-like conditions, and forced labour. "Unlawfully limiting the freedom of movement of the other person" and "prohibiting the other person from entering or leaving a common residence" are also grounds for a protection order.³¹ Isolation can mean that a person is forbidden from leaving the house, making their own decisions, making phone calls, interacting with family members or friends, or accessing personal identification documents.³² For example, a shelter counsellor described a case of isolation in Kosovo to KWN, "[The] woman reflected upon when [...] her mother-in-law closes her door and takes the key, so the client must take water and a container for urination during the night."³³ Another woman told KWN, "I was isolated in a room and others [family members] commanded me what I should do." More than half of

²⁸ Only the research by WWC et al. compared the extent of pre- and post-war domestic violence, finding a slight decrease from 36 to 34 percent. For a discussion, see WWC et al. and KWN's *Exploratory Research*.

²⁹ This section draws from KWN, *Exploratory Research*, 21.

³⁰ OSCE and MLSW, 14.

³¹ UNMIK Regulation 2003/12, Article 1.2(f), (i).

³² The Idaho Coalition against Sexual & Domestic Violence, cited in KWN, *Exploratory Research*.

³³ KWN, *Exploratory Research*, 21.

the 31 women experiencing violence that KWN interviewed in 2007 said their partner prevented them from seeing family or friends at least every week. Slightly less than half said their partner listened in on or monitored their phone calls. Similarly, over one-third of the women WWC et al. interviewed in Peja region were “forbidden from participating in activities” outside the home and about half were “forbidden from seeing friends or family.”³⁴

Relatively few respondents to the 2008 Kosovo-wide survey said they experienced a form of isolation. Men’s movement was rarely if ever controlled compared to women’s.³⁵ KPS had only 14 reports of unlawful deprivation of liberty.³⁶ In stark contrast, in 2003 alone, CPWC reported assisting 76 cases.³⁷ The lack of reporting may be because people do not consider isolation a form of violence or they do not consider it serious enough to report to the authorities.³⁸

3. Psychological Violence³⁹

Psychological violence is a broader category of violence that could include isolation. Acts foreseen within the Criminal Code that could be considered types of psychological violence include: coercion, threat, and unlawful deprivation of liberty. Grounds for a protection order include engaging in a pattern of conduct with the intent to degrade the other person and causing the other person to fear for his or her physical, emotional or economic well-being.⁴⁰ KPS had only 71 reports of psychological maltreatment and ten reports of psycho-physical maltreatment from 2006 to 2007.⁴¹ A Social Services Officer explained to KWN, “We rarely have psychological violence cases because psychological violence is more hidden.”⁴² Staff members working at women’s shelters asserted that more than 90 percent of clients showed symptoms of psychological violence, but few knew they had suffered from psychological violence.⁴³ People also may not consider psychological violence a serious enough crime to report it. In 2007, KWN asked representatives of institutions to estimate the number of cases they had encountered in their work. Table 2.3 shows KWN’s findings based on these estimates and existing statistics gathered by institutions.

³⁴ WWC et al., 23.

³⁵ While 8.5 percent of women said their movement was controlled in adulthood, only one percent of men did. KWN did not define controlling movement in childhood (up to age 18) as a form of violence.

³⁶ KPS, KWN survey, 2008.

³⁷ CPWC, *Annual 2003*, 23.

³⁸ As chapter one illustrates, less than half the respondents considered isolation a form of violence.

³⁹ This section draws from KWN, *Exploratory Research*, 21.

⁴⁰ UNMIK Regulation 2003/12, Art. 1.2.

⁴¹ KPS, KWN survey, 2008. KPS also recorded 220 cases of arguing, 174 cases of disturbance, and one case of general endangerment which could perhaps be considered forms of psychological violence.

⁴² Interview with KWN, 2007 in KWN, *Exploratory Research*.

⁴³ KWN conversations with shelter staff (*Exploratory Research*) and CPWC, *Annual Report 2003*. Between 2000 and 2006, approximately 90 percent of Medica Kosova’s 1,246 clients suffered psychological violence (KWN, 21). WWC et al. found one in four women were verbally abused by partners, and one in five were intimidated (34).

Table 2.3 Number of Cases of Psychological Violence Reported by Various Sources

Source	2000	2001	2002	2003	2004	2005	2006	2007	Total
KPS – Psychological maltreatment							47	24	71
KPS – Psycho-physical maltreatment								10	10
KPS – Threat (Art. 161)						214	252	199	665
CPWC ⁴⁴	799	560	436	360					2155
WWC (persons outside the shelter counselled for psychological violence)	97	430	373	407	77	91	45	80	1600
Other four shelters									1009
Victim Advocates									154-298
SSOs (from CSWs)									112-244
Gynaecologists									1203-2442+

Source: Adapted from KWN, Exploratory Research, 2008.

KWN's Kosovo-wide survey found that 30 percent of respondents had experienced psychological violence from family members in their lifetime.⁴⁵ Approximately twice as many women as men had suffered psychological violence. In the last year, 14.8 percent of respondents said persons in their family yelled at them, swore at them, or made them feel very bad.⁴⁶ Only 2.5 percent of respondents were threatened, and two percent threatened with a weapon.⁴⁷

4. Physical Violence⁴⁸

According to definitions specified in the Criminal Code, physical violence could include light bodily harm, grievous bodily harm, mistreating or abandoning a child, kidnapping, attempted murder, murder, and sexual violence (described in the next section of this report). The Regulation against Domestic Violence includes inflicting bodily injury, non-consensual sexual acts or sexual exploitation, kidnapping and forcibly removing the other person from a common residence. Bodily harm involves “pushing, shoving, slapping, hitting, kicking, biting, use of tools or weapons” and “other acts which may result in fear, injury or death,” according to the SSO handbook.⁴⁹ Victimiziers may also use destruction of property as a means of demonstrating power or control.⁵⁰

Table 2.4 illustrates the number of physical violence cases recorded by various institutions and organisations. Between 2000 and 2003, CPWC recorded 2,132 cases of “physical violence,” a category that included sexual violence.⁵¹ In addition, CPWC reported

⁴⁴ CPWC, *Annual 2003*, 24 and *Annual Report 2002*, 25. Numbers include persons who did not receive shelter.

⁴⁵ Psychological violence was defined to include the following acts occurring during adulthood: name-calling, being sworn at, being constantly ordered around by family members, being forbidden from seeing friends or relatives, controlled movement, made to feel guilty constantly, important decisions made without respondent being asked, threatened with harm, loved one threatened, and threatened with weapon.

⁴⁶ For 10.3 percent of respondents, this occurred one to five times in the last year. Three present reported at least every month, if not every week or every day. People from urban areas and people younger than 45 years old were more likely to say family members had done this. The respondents who reported experiencing psychological violence “every month” tended to be women and/or divorced.

⁴⁷ Respondents with lower levels of education (less than primary school), low household income (less than 800 Euros total household income in three months), Albanians, and Serbs were more likely to have been threatened with a weapon by a family member.

⁴⁸ This section draws from KWN, *Exploratory Research*, 21.

⁴⁹ OSCE and MLSW, 13.

⁵⁰ See Government of Portugal, section on “Domestic Violence”, 16-25.

⁵¹ The report total is listed as 2223 cases, but the numbers presented add up to 2132.

804 cases of “assault”.⁵² In 2003, two sheltered women suffered “violent haircuts,” CPWC wrote, “one of the gravest” acts of “degradation”.⁵³ The other four shelters combined housed 429 and Medica Kosova assisted 135 women who experienced physical violence, mostly from husbands and/or in-laws.⁵⁴ WWC et al. found that 17 percent of women had suffered physical domestic violence before the war compared to 11 percent afterward.⁵⁵

Table 2.4 Number of Cases of Physical Violence Reported

Source	Category	2000	2001	2002	2003	2004	2005	2006	2007	Total
KPS ⁵⁶	Forcibly removing the other person from a common residence							16	12	28
KPS	Grievous bodily harm						5	21	14	40
KPS	Impermissible termination of pregnancy							1	1	2
KPS	Inciting and assisted suicide						5	3	13	21
KPS	Light bodily harm						290	408	462	1160
KPS	Mistreating or abandoning a child						2	2	2	6
KPS	Murder						1	4	4	9
KPS	Attempted murder						4	3	6	13
KPS	Physical attack						661	341	215	1217
KPS	Physical maltreatment						17	83	24	124
KPS	Psycho-physical maltreatment								10	10
KPS	Threat with a weapon							9	4	13
CPWC	Serious crimes (murder, attempted murder, suicide, and attempted suicide) ⁵⁷	3	1	5	24					33
CPWC	Physical violence	864	560	494	214					2132
WWC	Physical violence				36	43	44	38	25	186
Four shelters	Physical violence									429

In 2007, KWN also found that more than two-thirds of the women suffering violence at home were slapped, hit, punched, kicked, strangled, or beaten. Objects were used regularly against two-thirds of the women, such as belts, wood, sticks, branches, cables, and firearms. Almost 40 percent also said that violence against them often involved violence against children.

Approximately 18 percent of the respondents to KWN’s 2008 survey had ever experienced physical violence, and three respondents said they suffered physical violence every day.⁵⁸ People in rural areas, with less than a secondary school education, and/or low

⁵² Physical violence included “grave and minor ill treatment, bodily injuries, and acts of sexual violence” (CPWC, *Annual 2003*, p. 23-24). The difference between “physical violence” and “physical assault” was unclear.

⁵³ CPWC, *Annual 2003*, 68.

⁵⁴ KWN, *Exploratory Research*, 24.

⁵⁵ As this research took place in Peja region, further research is needed to deduce whether physical violence increased or decreased throughout Kosovo.

⁵⁶ KPS, KWN survey, 2008.

⁵⁷ CPWC, *Annual 2003*, 24.

⁵⁸ Only 1.3 percent of respondents said a family member physically abused them in the last year. Divorced persons and/or those receiving social assistance tended to estimate that they experienced physical violence every month. Physical violence was defined as: a family member forbidding them from going to the doctor

income were more likely to have suffered physical violence.⁵⁹ Thirty percent of respondents had been slapped by a family member at some point in their lifetime; five percent had been hit, punched, or kicked by an adult family member; and 5.7 percent had been hit with objects, including sticks, belts or knives. Physical violence can also involve preventing a family member from visiting the doctor, and roughly two percent of respondents said their family would not allow them to seek medical attention when they were ill.

5. Sexual Violence

Sexual violence is a form of physical violence that deserves special consideration. The Criminal Code clearly states that any of the following non-consensual (including pressured or coerced) acts when committed within domestic relationships are crimes: sexual assault; degrading sexual integrity; and sexual abuse of persons with mental or emotional disorders or disabilities.⁶⁰ Further, as the SSO handbook explains:

If one of the persons is under 16 or is between 16 and 18 years and a child, foster child, step-child, grandchild, nephew or niece of the other person, it is always assumed that they cannot consent, and thus sexual activity constitutes abuse under any circumstances. Sexual abuse involves behaviours such as fondling, fellatio or cunnilingus, anal or vaginal penetration. It can also include exploitation through forcing someone to have photographs taken of a sexual nature, or by forcing someone into prostitution.⁶¹

The handbook goes on to define “Battering rapes” as acts that include both physical and sexual violence and “obsessive forced sex” to involve perpetrators requiring an “extraordinary number of sexual encounters” or “sex as a form of sadistic, brutal or perverse behaviour.”⁶² Without the person’s “active” consent, all of the aforementioned acts are considered crimes. However, new to Kosovo is the idea that non-consensual sexual acts occurring within a domestic relationship and especially between two partners can be considered violence. As mentioned, two-thirds of the respondents to KWN’s survey agreed that “Sexual intercourse can never be violence if it happens between two adults who are married.” This may explain why sexual violence is rarely reported.

As Table 2.5 illustrates, only three cases of sexual assault, one case of rape, and one case of incest have been reported to KPS as acts of domestic violence.⁶³ Yet, four shelters reported assisting in total 72 women who suffered sexual violence and 17 cases of incest.⁶⁴ Health professionals had also encountered sexual domestic violence cases. For example, a

when they were sick, destroying dishes or furniture on purpose, slapping the respondent in adulthood, and/or hitting, punching or kicking. While slapping children is a form of violence as well, it was not included. A common form of discipline, including slapping would increase drastically the percentage of the population that experienced physical violence.

⁵⁹ Families that had a total household income of less than 800 euros in three months.

⁶⁰ UNMIK Regulation 2003/01 Amending the Applicable Law on Criminal Offences Involving Sexual Violence, Section 1.1 (1) and paragraph 4 of the preamble of the Regulation.

⁶¹ OSCE and MLSW, 13.

⁶² Ibid.

⁶³ While KPS, UNMIK police, and CivPol recorded more cases of sexual assault, rape, and attempted rape, it was not documented or made clear whether these occurred in a domestic relationship.

⁶⁴ KWN, *Exploratory Research*, 26 and CPWC unpublished statistics sheet.

gynaecologist recalled treating a client whose husband had extinguished his cigarette on the woman's genitals.⁶⁵

Table 2.5 Extent of Sexual Violence in Domestic Relationships according to Various Sources

Source	Category/Class	2000	2001	2002	2003	2004	2005	2006	2007	Total
KPS ⁶⁶	Sexual assault						2	0	1	3
KPS	Rape							0	1	1
KPS	Incest							0	1	1

Only 2.5 percent of respondents to KWN's Kosovo-wide survey said they had suffered sexual violence, such as a family member touching their private parts in a way they did not want to be touched, a partner pressuring them to have sexual intercourse when they did not want to, or a family member making them do sexual acts they did not want to do. More women (3.5 percent) than men (1.3 percent) had suffered sexual violence. One woman commented, "My husband can have sex with me whenever he wants, without asking."⁶⁷ People who were receiving social assistance were more likely to have experienced sexual violence. Sexual violence is almost certainly more common, but respondents were likely hesitant to discuss this personal issue with researchers.

UNIFEM, which spent more time building confidence with women, asked women to return self-filled questionnaires anonymously. Eighteen percent of respondents reported rape by known Albanian men. Among them, 53 percent were raped by their partner or a family member.⁶⁸ WWC et al. found that eight percent of married women had experienced sexual coercion prior to the war and six percent following the war.⁶⁹ Among the women who suffered violence from partners, almost half before the war and nearly 40 percent after the war said their partners wanted sex after mistreating them.

In KWN's prior study where trusted counsellors conducted in-depth interviews with 31 women known to be experiencing violence, nearly three-fourths said their partner forced them to have sex.⁷⁰ One woman recalled, "My partner, ex-husband, was aggressive, when I didn't want sexual intercourse. I had to do it because, if not, he hit me or brought other females home for me to serve them." From the larger sample of 51 women in that study, half were made to do sexual acts "they did not want to do". Yet, only two women believed had suffered sexual assault. This illustrates how women may not know that forced sex is marital rape, contributing to underreporting of sexual violence in Kosovo. KWN has reported that "pride, fear of social isolation, and a lack of alternatives may prevent women from coming forward, as well."⁷¹

⁶⁵ Ibid.

⁶⁶ KPS, KWN survey, 2008.

⁶⁷ Married Albanian woman age 45 from Gjilan municipality.

⁶⁸ UNIFEM, 37. Of them, 53 percent were married and raped by their partner (husband or boyfriend) or a family member, 26 percent were single, and 21 percent were widowed or separated (though it was not clear whether rape took place before or after they were widowed or separated).

⁶⁹ WWC et al., 6. After the war included September 2001 to August 2002.

⁷⁰ Of the women, seven were forced "every week" and ten "every month" (KWN, *Exploratory Research*).

⁷¹ Ibid.

6. Economic Violence

Economic violence occurs when an abuser uses finances to exert power over another family member.⁷² Economic violence could involve a perpetrator: not allowing a person to work for economic benefit; refusing to work and contribute to the family budget; not helping to support the family financially; or refusing to share money with a partner for household purchases.⁷³ According to the Criminal Code, violating family obligations like leaving a family member incapable of taking care of himself/herself in a situation of distress could be interpreted as a form of economic violence. Causing property damage, removing property, or not allowing a person their share of property can also be considered forms of economic abuse.⁷⁴ Disputes over how to spend the family's finances can also lead to physical violence.⁷⁵

KPS recorded only ten cases of property damage, one of abandoning an incapacitated person, and eleven of violating family obligations within domestic relationships between 2005 and 2007.⁷⁶ Other institutions did not record economic violence cases, but three shelters had assisted 135 women who suffered economic violence as of 2007.⁷⁷ Nearly 15 percent of respondents to the KWN Kosovo-wide survey had ever experienced economic violence, such as a family member *who had money* not giving money for something the respondent *really* needed or a family member not allowing the respondent to work outside the home for money in adulthood (emphasis in the original questions). Interestingly, slightly more men (15.1 percent) than women (13.7 percent) said they had suffered economic violence. Compared to other demographic groups, respondents from rural areas, with less than a secondary school education, who were unemployed, and/or who had a three-month household income of less than 600 euros were more likely to have experienced economic violence.

7. Who are the victims? Demographic Groups Most Affected by Domestic Violence

Determining which demographic and geographic groups are at greatest risk of domestic violence is essential for planning targeted awareness-raising projects and domestic violence prevention measures. Further, a better understanding of the groups most affected by violence can help institutions develop better programs for assisting people, as well as help to justify and secure annual budgets for meeting these groups' specific needs. While people of all genders, ethnicities, ages, marital statuses, economic situations, and geographic areas have suffered domestic violence in Kosovo,⁷⁸ a review of existing research,⁷⁹ data gathered by institutions, and findings from the KWN Kosovo-wide survey suggests that Kosovar citizens most at risk of violence are:

⁷² OSCE and MLSW, 14.

⁷³ The Idaho Coalition against Sexual & Domestic Violence.

⁷⁴ Five percent of respondents said a family member had ever destroyed furniture or broken dishes on purpose.

⁷⁵ KWN, *Exploratory Research*, 26.

⁷⁶ KPS, KWN survey, 2008.

⁷⁷ KWN, *Exploratory Research*, 26.

⁷⁸ See, for example, KWN, *Exploratory Research* and KPS records.

⁷⁹ Comparing various sources, KWN has shown that some groups of women appear to be at greater risk (*Exploratory Research*).

- Women: According to KPS records from 2005 to 2007, 79 percent of all victims of domestic violence were women while 21 percent were men.⁸⁰
- People from rural areas: While few institutions maintained this information, survey respondents who had experienced domestic violence and shelter clients tended to be from rural areas.⁸¹
- Less educated: Twenty percent of the victims survey respondents knew had not finished primary school, 17.2 percent had finished primary school, and 34.4 percent had attended secondary school. Only 6.6 percent went to university.⁸² Of the survey respondents who had suffered domestic violence themselves, most had less than a secondary school education.
- Unemployed: Since people with low levels of education tend to be unemployed at higher rates than people with more advanced education,⁸³ it follows that if victims are poorly educated they may also be unemployed.⁸⁴ Nearly 19 percent of the persons respondents knew were experiencing violence were employed, 2.6 percent farmers, and 61.6 percent unemployed.
- Economically poor and often receiving social assistance: Violence tends to occur in families that are less well-off economically⁸⁵ and receiving social assistance from the government.⁸⁶
- Albanian: Since Albanians comprise the majority of Kosovo's population, it is perhaps unsurprising that most victims of domestic violence have been Albanian. However, domestic violence occurs in all ethnic groups. According to KPS records and as Graph 2.4 illustrates,⁸⁷ most victims were Albanian (82.9 percent). Just over nine percent were Serb, 3.7 percent Roma or Ashkali, 2.3 percent Bosnian, 0.4 percent Turk, 0.4 percent Goran, and 1.1 percent Other. Yet, further research should be conducted in minority communities for a more comprehensive understanding, as victims from these areas might have limited access to services if lacking translated materials and therefore understanding of resources available to them.
- From Prishtina Region: As Graph 2.5 illustrates, most reports of domestic violence were made in Prishtina region. However, domestic violence has been reported in all six regions, and it seems

⁸⁰ KWN analysis of KPS statistics. According to Partners Kosovo, violence against women was "the most common" type of violence they encountered in their work (KWN survey, 2008).

⁸¹ KWN survey, 2008. CPWC estimated that 82 percent of its domestic violence clients from 2000 to 2003 were from rural areas (*Annual 2003*, 29 and *Annual Report 2002*, 41). WWC recorded 72 percent of clients were from rural areas (*Exploratory Research*, 18).

⁸² For 21.8 percent of the cases, respondents did not know. In its 2007 study, KWN found "a strong negative correlation between the level of education women completed and whether they experienced violence while pregnant" (*Exploratory Research*, 18).

⁸³ SOK reported in 2003 and 2004 that half of the people with less than an upper secondary education were unemployed compared to 11 percent of people with higher education (*2004 Labour Market Statistics*, 26).

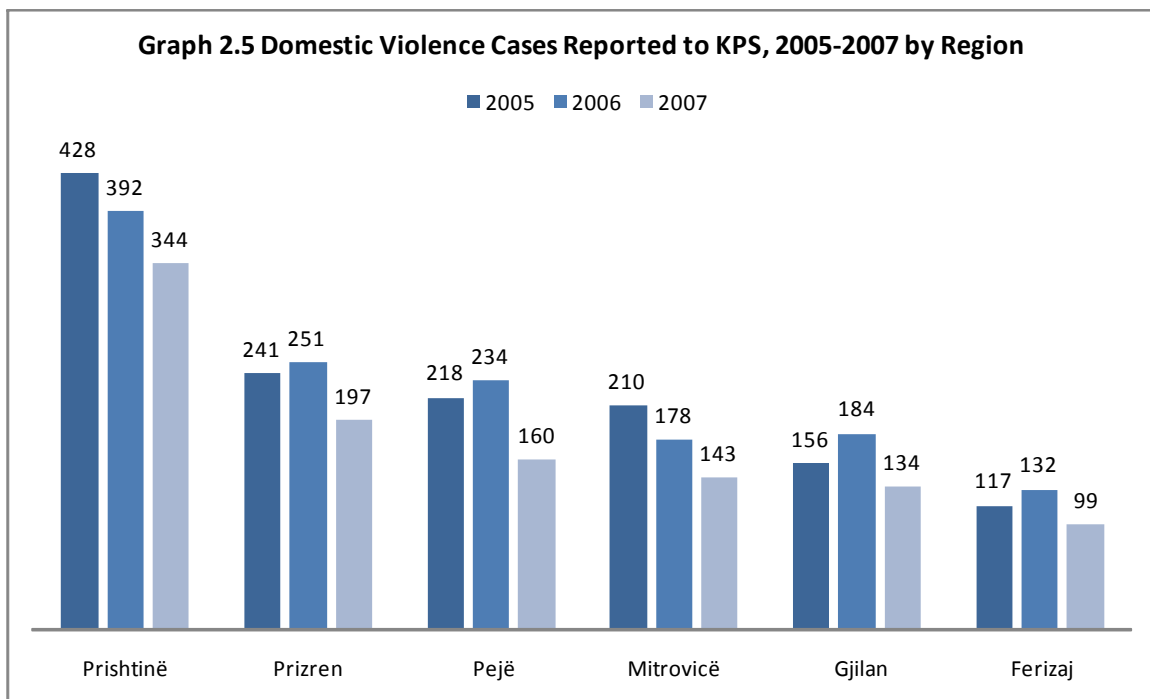
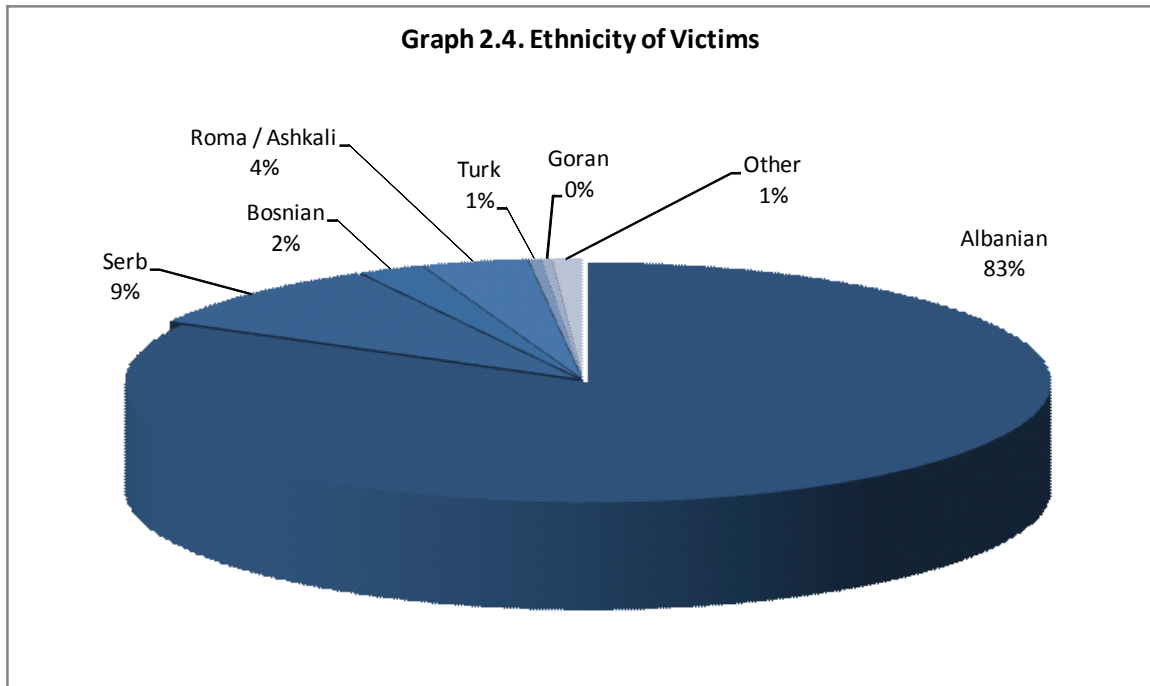
⁸⁴ Ninety-two percent of CPWC clients were unemployed (*Annual 2003*, 31). Altogether, three other shelters recorded that 70 percent of their clients were unemployed, 21 percent employed, and 9 percent farmers. Of the 51 women experiencing domestic violence interviewed by KWN in 2007, 71 percent were unemployed and economically dependent on their spouse or other family members. (*Exploratory Research*, 19).

⁸⁵ As of 2007, KWN reported that "Half WWC's clients came from families with 'very poor' living conditions, 37 percent 'poor' living conditions, and 12 percent 'medium' living conditions" (*Exploratory Research*, 19). Eighty percent of women experiencing violence interviewed by KWN in 2007 estimated that their household income from all sources each month totalled 200 Euros or less. The KWN survey in 2008 found a correlation between persons who experience violence and low income.

⁸⁶ KWN found a correlation between respondents who experienced violence and those receiving social assistance (survey 2008). SOK found in 2004 that 61 percent of Kosovar families had income totalling less than 200 Euros per month. The World Bank has found that 12 percent of the population survives in extreme poverty with less than 0.92 Euros a day and half the population makes under 1.79 Euros a day (cited in KWN, by Lynne Alice, *Monitoring Implementation of United Nations Security Council Resolution 1325 in Kosovo*, Prishtina: KWN, 2007, 7).

⁸⁷ Source of graph: Created by KWN, Based on KPS Sector for Domestic Violence Investigations Statistics.

that the number of reports corresponds roughly with the population estimates in each area.⁸⁸ Thus, the largest percentage of the population lives in Prishtina region, so it is unsurprising that domestic violence was reported most often in Prishtina. KWN also found a correlation between survey respondents who had experienced domestic violence and Podujevo and Fushe Kosova municipalities, which may indicate that violence occurs more in these areas, though further research is needed.



Source: Created by KWN, Based on KPS Sector for Domestic Violence Investigations Statistics

⁸⁸ According to SOK, approximately 15 percent of the Kosovo's population lives in Prishtina municipality, 10 percent in Prizren, 5.11 percent in Peja, 5.31 percent in Mitrovica, 4.46 percent in Gjilan, and 5.44 percent in Ferizaj (KWN calculation with information drawn from SOK, *Statistical Atlas*).

While keeping these findings in mind, one should be cautious in drawing quick conclusions regarding the profile of victims. Findings should not be used to suggest that violence does not occur in other geographic and demographic groups, as violence can and has affected people from all groups. Instead, the findings are meant to help the government target specific groups with future prevention and protection programs.

An examination of how violence impacts other specific groups, especially children, people with special needs, and the elderly, may also be useful for the government to plan targeted education campaigns and programs to better protect specific groups of people. Based on such information, the government can also draw from the resources, capabilities, and experiences of NGOs and institutions with connections to specific groups of citizens.

Violence against Women

Considering that women are more likely to be victims of domestic violence than men,⁸⁹ this section explores how domestic violence has impacted particular groups of women or women at certain points in their lives. It examines violence that affects new wives (*nuse*), reproductive health, and pregnant women, as well as women who suffered sexual violence during the war.

First, young women and especially *nuse* are responsible for caring for the household: cleaning, cooking, and serving guests. Traditionally, they hold these responsibilities until a newer *nuse* enters the family or they give birth to their first child. *Nuse* occupy the lowest position in family decision-making as part of tradition. The treatment of *nuse* by other families could be considered a form of psychological violence, though this has rarely been discussed publicly. Physical violence against *nuse* also exists, though it is seldom reported. For example, a surveyed middle-aged Albanian woman said when she was first married she experienced violence from all of her husband's family. Sometimes they spanked her, but she "always" experienced psychological violence "because" she lived with her brother-in-laws and parents-in-law, she said.⁹⁰ Although social change particularly in urban areas sometimes mean *nuse* have more freedom, especially if they live independent from their parents-in-law, violence still exists. In 2006 and 2007, KPS recorded 25 cases where father-in-laws and 66 cases where mother-in-laws carried out violence against *nuse*.⁹¹ Fourteen women (and no men) surveyed by KWN had experienced violence from their father-in-law, and 27 women (and one man) from their mother-in-law. While less common, KPS also recorded two cases of violence against new husbands.

Second, prior research has illustrated that women's right to decide "if, when and how often" they want to reproduce, according to the World Health Organization definition of reproductive health, has been violated in Kosovo.⁹² As one woman told KWN in 2007, "I should talk with my husband about that [contraception], [but] I would have been beaten by him every night." Women reported being pressured by their husbands, in-laws, and other family members to have more children than they wanted or to have male children only.⁹³

⁸⁹ KWN found a correlation between ever experiencing violence and being female.

⁹⁰ A woman respondent in Peja relayed another case where violence happened because of a disagreement between a *nuse* and her mother-in-law. This influenced a conflict between the spouses, and as a result, the *nuse* called the police who arrested the abuser (KWN survey, 2008).

⁹¹ KPS, KWN survey, 2008.

⁹² KWN, *Exploratory Research*, 28.

⁹³ Of the survey respondents who had children, 6.2 percent had ever been told that they should have more children than they wanted. More than two-thirds of the respondents who had been pressured were women.

Among the 2008 KWN survey respondents who had children, 11.8 percent of women and 5.7 percent of men said they had been pressured to have more children than they wanted. Women were primarily pressured by their partner or their parents-in-law, while men were pressured by their own parents and sometimes their partner.

Third, contrary to prior research in Kosovo that suggested pregnant women are never violated,⁹⁴ KWN found extensive evidence that violence against pregnant women indeed occurs and that women already living in violent home situations are especially at risk of violence during pregnancy.⁹⁵ Professionals reported treating cases of pregnant women hospitalized from injuries that resulted from violence, being forced to serve as a prostitute, and attempting suicide following psychological violence.⁹⁶ In addition, shelters assisted numerous young women who were ousted from their homes when parents learned they had become pregnant out of wedlock, an act identified in the Regulation against Domestic Violence. Women in Kosovo have also been prevented from receiving medical attention, especially reproductive healthcare, because family members would not allow it, husbands were jealous, they had to protect family honour, for religious reasons, and/or due to a lack of finances.⁹⁷

Respondents were pressured by their partner (50.7 percent), parents (16.4 percent), parents-in-law (20.5) percent, and other family members (4.1 percent). See also, KWN, *Exploratory Research*, 28.

⁹⁴ See, for example, the Vlora Basha and Inge Hutter for UNFPA, Population Research Centre of Groningen, and Index Kosova report *Pregnancy and Family Planning in Kosovo: A Qualitative Study* (Prishtina: December 2006), 26. Most participants in their focus groups agreed, "Pregnancy was always respected in Kosovo culture," and they concluded, "A pregnant woman is seen as fragile and everyone around her in the family is more caring. She also garners more respect."

⁹⁵ KWN found that out of 47 ever-pregnant women who had experienced violence in their lifetime, only six were not violated during one or multiple pregnancies (28). One woman suffered psychological, physical, and sexual violence during each of her ten pregnancies. WWC et al. also reported that 10.5 percent of women with partners that they interviewed were "beaten" during pregnancy (28).

⁹⁶ KWN, *Exploratory Research*, 28.

⁹⁷ KWN, *Exploratory Research*, 29-30.

Women experiencing violence told KWN that they were prevented from receiving healthcare for many reasons ranging from gossip to religion, to their husbands' jealousy, to a lack of finances:

"They were afraid that I might tell someone how they were treating me."

"My husband didn't believe that I was sick, and he didn't take me to the doctor because the primary thing for him was securing money to go outside the home the whole night and create problems at home and express violence against the children and me when he came back home."

"[M]y husband always thought that I am going to visit the doctor only to see the doctor, to show myself."

"My father-in-law said, 'A woman who visits the doctor is not a woman.'"

"Unemployment, they didn't have money. I was young and when I told them that I had pain, my mother-in-law said to me, 'The same thing happened to me but it will pass and don't tell about this because it is shameful.'"

"After the death of my husband I needed to go to the gynaecologist, but it was difficult for me because the gossip from people [and their] guesses that I could be pregnant, kept me from doing that."

Source: KWN, Exploratory Research, 29-30

The KWN Kosovo-wide survey further verified these prior research findings. Women respondents said they had experienced the following forms of violence while pregnant: name-calling, being sworn at, being ordered around all the time, isolated from friends or relatives, movement controlled, prevented from visiting the doctor when ill, threatened, slapped, pressured to have sex when they did not want to, and made to do sexual acts they did not want to do.

Fourth, another rarely discussed form of domestic violence has targeted Kosovar women who suffered sexual violence during the war.⁹⁸ While little documentation exists, activists have reported that some women who were raped by Serb forces during the war experienced isolation, psychological, and even physical violence from their family members. Medica Kosova, for example, estimated that 90 percent of the women victims of war rape that they assisted did not receive emotional support from their families.⁹⁹ Medica Kosova had to find shelter for one young woman ousted from her home by her family due to shame until she gave birth and found adoptive parents for the child. The Kosova Rehabilitation

⁹⁸ While no concrete data exists due to underreporting, prior estimates regarding the number of women raped during the war have ranged from 10 to 45 thousand. See, Michelle Hynes and Barbara Lopes Cardozo, "Sexual Violence against Women in Refugee Settings," *Journal of Women's Health and Gender-based Medicine*, 9. No. 8, (2000), 819-824, cited by WWC et al., 12; Corrin, "Post-conflict Situation in Kosovo," 93; and CPWC, *Annual 2003*, 136.

⁹⁹ Medica Kosova, telephone conversation, July 2008.

Centre for Torture Victims (KRCT) told of another case where a husband used physical and psychological violence against his wife because he believed that she wanted to have sexual intercourse with the Serb forces that raped her.¹⁰⁰ A psychosomatic approach and better documentation of patients assisted by Centres for Social Work and healthcare personnel could provide further information regarding the extent of this phenomenon.

Violence against Children

No known research has examined closely violence against children in Kosovo. While the UNICEF report, *Situation Analysis of Children and Women in Kosovo* discusses briefly the issue, it does not provide any new data.¹⁰¹ In 2008, neither UNICEF nor the Youth Action Network had research regarding the extent of violence against children, but representatives emphasized that violence against children indeed exists in Kosovo.¹⁰² According to Youth Action Network, one of the most often expressed concerns at their meetings was parents forcing youth to discontinue their education and to carry out hard physical labour, illegal for some members who were minors. They estimated that only 10 percent of domestic violence cases are reported because many families still have patriarchal decision-making structures, and young family members are thus prevented from reporting violence. KPS recorded only 125 cases of violence against children from 2005 to 2006.¹⁰³

Violence against children can be difficult to measure because people tend to define violence differently, as the last chapter illustrated. While one person may consider slapping violence, another person may not. Therefore, KWN asked respondents firstly what types of acts they used (or would use if they did not have children) to discipline their children, and, secondly, whether they had experienced particular acts in their childhood. Graph 2.6 shows the types of discipline respondents used to punish children: 19.4 percent of respondents spanked children with their hand (notably 125 women compared to 72 men), 2.5 percent spanked them with a belt or stick (16 women compared to nine men), and 1.3 percent “beat” their children (four men and nine women). People with a university level education were less likely to punish their children using hands, belts, or sticks, while these forms of punishment were more likely to be used by people who were unemployed, had low income, had more children, and/or lived in towns and cities (Obiliq municipality in particular). However, methods of punishment appear to be changing; respondents ages 46 and older were somewhat more likely to punish their children with spanking by hand, belt, or stick than younger generations.¹⁰⁴

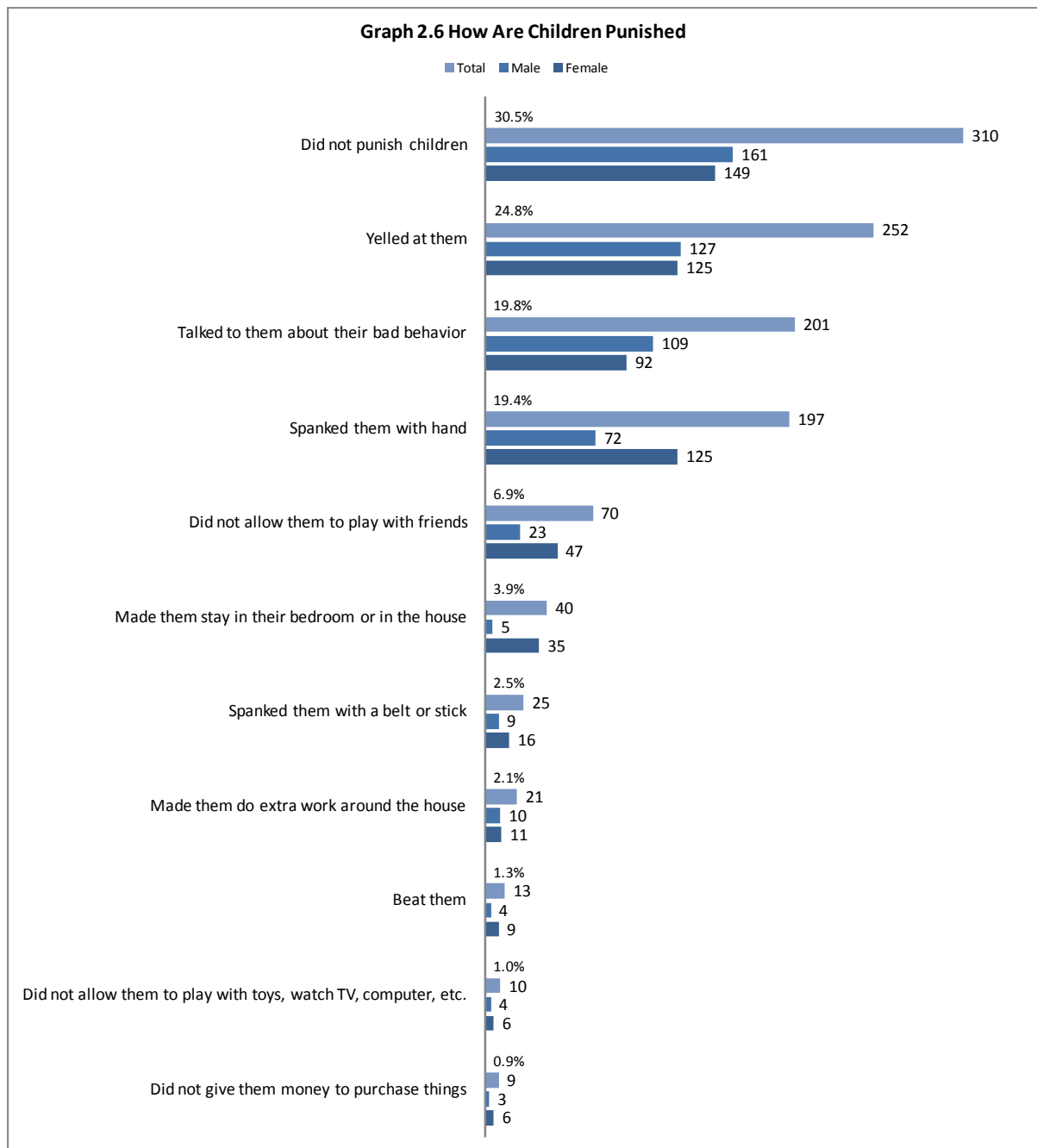
¹⁰⁰ KRCT, KWN survey, Prishtina.

¹⁰¹ UNICEF, *Situation Analysis of Children and Women in Kosovo*, (Prishtina: UNICEF Kosovo, 2004), 70-71.

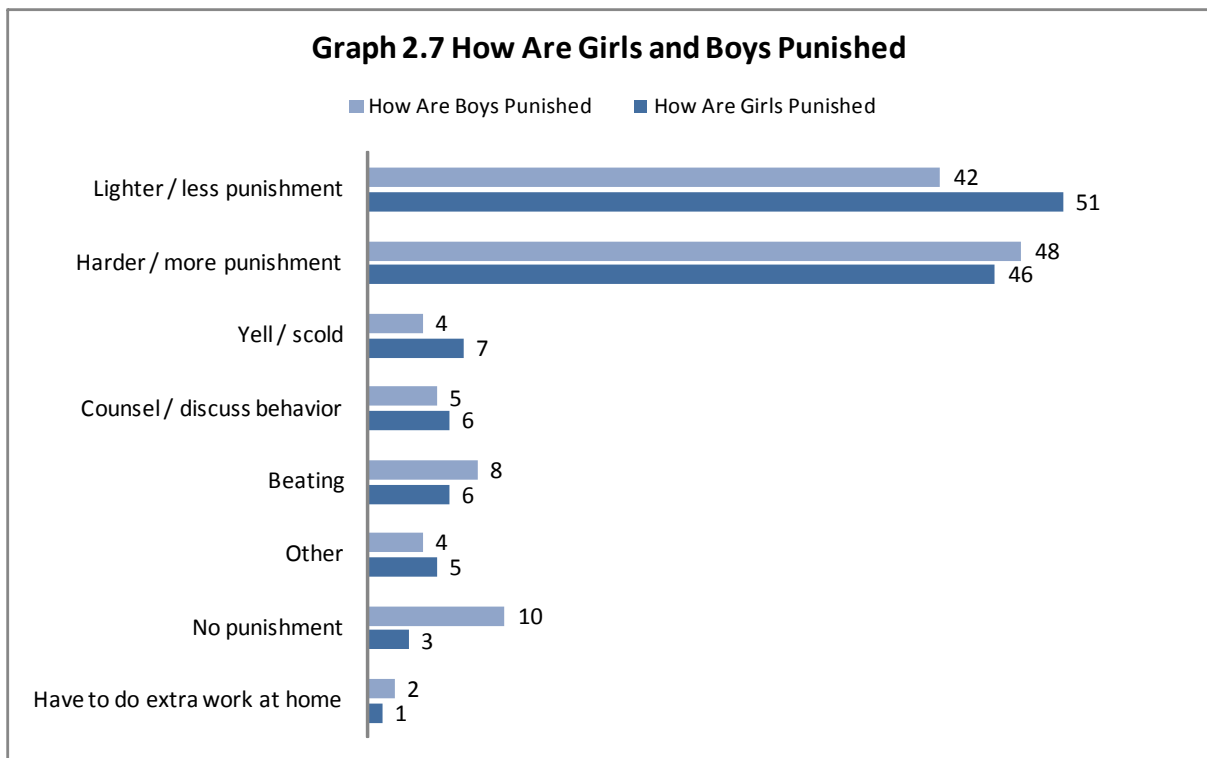
¹⁰² Youth Network of Kosovo and UNICEF, KWN surveys, 2008. Youth Network of Kosovo, an umbrella of youth organizations, was in the process of finalizing a report examining the degree to which gender equality was incorporated in the National Action Plan for Youth. They concluded that the plan does not address gender equality and made recommendations.

¹⁰³ For example, a KPS officer said they assisted a small boy whose stepmother abused him. The boy’s father made a bed and place for him to eat and isolated him in the attic of the house.

¹⁰⁴ Half the respondents had seen parents slapping their children.



In order to determine the degree to which respondents treated male and female children differently, respondents were asked how they punished girls and how they punished boys. Approximately ten percent of the respondents said that girls and boys are punished differently. Interestingly, respondents disagreed as to how they were treated differently, as Graph 2.7 illustrates. About half of these respondents said girls received less punishment than boys, while close to the other half said girls received harder punishment than boys. While eight respondents said boys were beaten, six other respondents said girls were beaten.



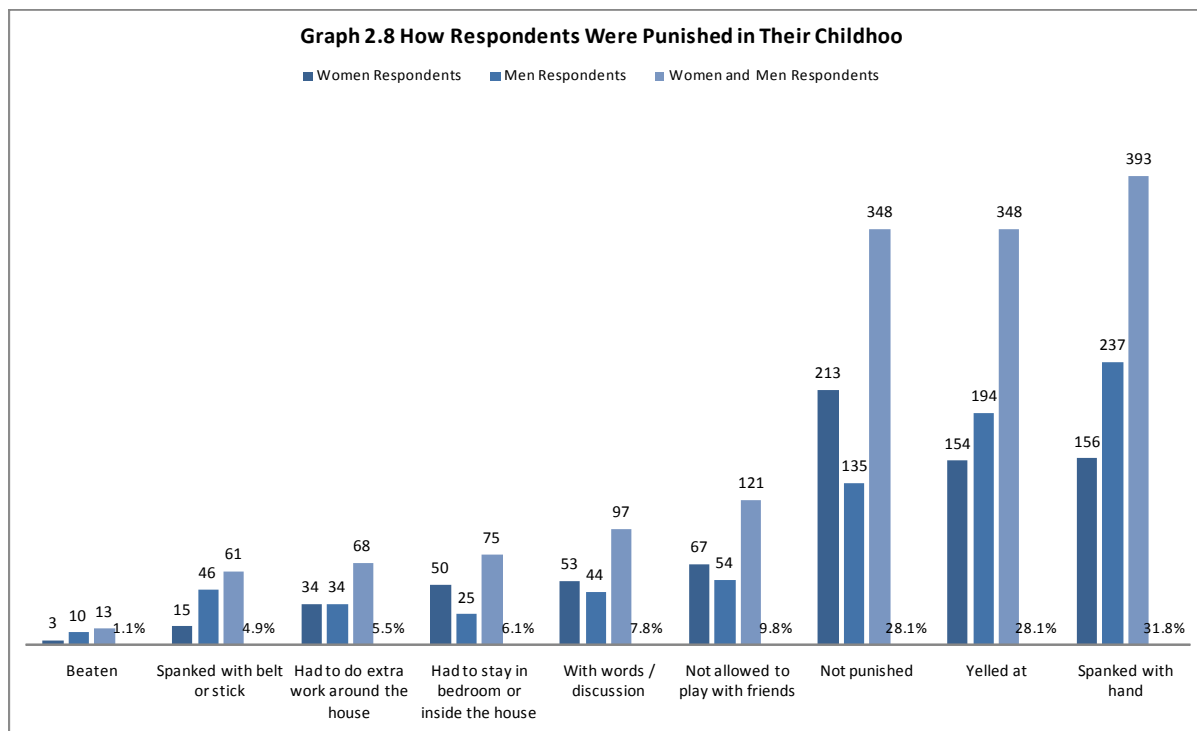
Then, respondents were asked when they were children how their parents usually punished them if they were naughty. Ten percent of all women, 19 percent of all men, and 14.2 percent of all respondents had experienced physical violence in their childhood, including beating, punching, kicking, or being hit with a stick or belt. In addition, 27.2 percent of respondents were slapped by a family member in their childhood. As Graph 2.8 shows, more women (213) than men (135) said they were not punished at all. Most respondents (31.8 percent) said parents spanked them with their hand. Only 1.1 percent of respondents said they were beaten. Slightly less than five percent of respondents were spanked with a belt or stick.

When respondents' childhood experiences are accounted for, interestingly a similar percentage of women and men experienced physical violence during their lifetime because boys were approximately three times as likely as girls to be punished through violent means. For example, a middle-aged man recalled his father and stepmother beating him and making him discontinue his schooling at an early age so he would earn money for the family.¹⁰⁵ Respondents living in Skenderaj, Klina, and Fushe Kosova were more likely to have experienced violence in their childhood. People age 25 and older were more likely to have experienced violence, which may indicate a change the types of punishment used by parents.

“[When I was a child,] a close cousin attempted to rape me. He picked me up, he undressed, and I began to cry. I began to fight, and I don’t know how I escaped.”

– Sheltered woman victim of violence, quoted by KWN, *Exploratory Research*

¹⁰⁵ Married Serbian man age 46-55 from Zubin Potok municipality. Partners Kosova also dealt with cases of violence against children (KWN survey, 2008).



In conclusion, violence against children may occur at similar or even higher rates than violence against partners. However, it may be rarely if ever reported because children lack knowledge or access to assistance. Additional research on violence against children is needed. Although styles of discipline may be changing with a new generation of parents, awareness-raising campaigns could serve to debunk myths that girls and boys should be disciplined differently. Talk shows and parental education campaigns could relay that equal and especially non-violent discipline can improve child development for both girls and boys. Since children may have difficulties communicating cases of violence or accessing support services, education about family violence should be included in primary and secondary schools with simple, easy-to-understand information so children know where they can get help if needed. Help-lines with trained staff to work with children experiencing violence should be supported for children to report violence cases. Schools could play an important role in identifying such cases and offering assistance and protection to this especially vulnerable group of citizens.

Violence against the Elderly

While less common, there have also been reports of elderly in-laws experiencing violence from *nuse* or new husbands. A surveyed woman said her father-in-law suffered psychological violence from his daughter-in-law, and KPS recorded three cases of grooms carrying out violence against their father-in-laws. A KPS officer also told of an elderly woman being forced out of her home by her son, among “a lot” of other cases,¹⁰⁶ and a VA recalled a woman in her eighties running barefoot for approximately 50 kilometres to reach a police station for help.¹⁰⁷ A survey respondent described the situation of her uncle-in-law:

¹⁰⁶ Partners Kosova has helped mediate cases of violence against the elderly (KWN survey, 2008).

¹⁰⁷ Victim Advocate (VA) in Ferizaj, KWN survey, 2008.

[He] doesn't have his own family, but he lives with his brother. He is 78 years old. He experiences violence from his brother's children. (They are ages 18-20.) They take his pension. They use his property. They push him, beat him. The old man comes to complain to our family very often. He was asking where to ask for help, but he doesn't know where to go. He can't leave the village. It would be very good to find a safe place for him to stay, a shelter for elderly people.

Elderly respondents to the survey said they experienced the following forms of violence in their old age: name-calling (seven respondents), being sworn at (10), being ordered around all the time (20), not allowed to see friends or relatives (11), controlled where they can/cannot go (13), made to feel guilty all the time (eight), had important decisions made for them without asking them (11), refused money for something they needed (11), not allowed to work (eight), not allowed to go to the doctor when they were ill (five), threatened with harm (two), threatened with a weapon (two), had property destroyed on purpose (six), slapped (six), hit, kicked or punched (three), touched sexually in a way they did not want to be touched (three), pressured to have sex when they did not want to (four), and made to do sexual acts they did not want to do. Further research is needed to document the extent of violence against the elderly.

Violence against Persons with Special Needs

In accordance with the Anti-Discrimination Law, people with special physical and psychological needs are guaranteed equal access to education, employment, and public places.¹⁰⁸ However, women and children that have special needs are considered to be at particular risk of domestic violence.¹⁰⁹ In depth research has yet to examine the prevalence of domestic violence against people with disabilities in Kosovo, and KPS only recorded one case of abandonment and mistreatment of a disabled person.¹¹⁰ Since families often isolate people with special needs due to shame (a form of violence in itself), identifying the extent of violence in Kosovo is challenging. "There are cases that people with physical disabilities are not allowed to leave home because of shame. ... Families usually hide them from others," a representative from Handikos Prishtina said. Isolation can mean that children with special needs do not have access to education. According to UNICEF, only 16 percent of children with special needs go

"Violence happened because of the mental disabilities of the woman. Her husband used physical violence against her. The case was reported to the police and the situation seems to be calmer lately. [The government needs] to be more careful for ... cases of people with psychological problems, to provide them with better material conditions."

-- Middle-aged Albanian woman from Peja

¹⁰⁸ Assembly of Kosovo, Anti-Discrimination Law No.2004/3, Ch. I, Art. 2(a) states, "The principle of equal treatment shall mean that there shall be no direct or indirect discrimination against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status."

¹⁰⁹ Council of Europe (CoE) Action Plan Proposal on "Violence Against Women in Europe" (1998).

¹¹⁰ KPS, KWN survey, 2008.

to regular schools, and this affects their ability to find employment and makes them economically dependent on others.¹¹¹

Interviews with representatives of organizations assisting people with special needs like Handikos and the Blind Association of Women indicate that violence is quite prevalent. Representatives had encountered numerous cases of violence, especially against women and children.¹¹² They reported cases of psychological, physical, and sexual violence in domestic relationships. In Prizren, the Handikos representative said more than 50 percent of the 1,022 people registered as of 2007 had suffered domestic violence, usually psychological violence.¹¹³ “Every week” she encountered cases where people with special needs were constantly criticized by other family members, called names, sworn at, isolated, made to feel guilty all the time, had decisions made for them without their consent, had their pension spent by other family members, or were threatened that they would be removed from their home. Handikos helped find shelter for people ousted from their homes by family members. A KPS officer from Prizren commented, “Families are very violent towards [people with mental disabilities]. There are a lot of cases.”¹¹⁴

In Prishtina, Handikos estimated that approximately 20 percent of their 600 women members were victims of psychological violence. They had additional cases of economic violence, where their income was used by family members. Handikos reported that some families married young women with disabilities to older men or against their will. Some men lived with handicapped women, but refused to be married legally. In such situations, women did not have legal rights to property; men could marry other women; and at times women were used only to reproduce. “They also use handicapped women, marrying them only to give birth to children and then not allowing them to take care of their children because husbands were already married to other women,” Handikos representatives said.¹¹⁵ “There are cases when children didn’t know a handicapped woman was their mother.” Without property, if they wanted to leave the household, they could lose custody of their children. Representatives of the Blind Association of Women also said that every day they encountered blind people whose families isolated them, made decisions for them without asking them, and refused to give them money when they needed it.

Due to their physical and psychological health situation, people with disabilities may have problems communicating, physical difficulties reporting violence or gaining access to support services. Handikos representatives recommended implementing current law and ensuring that people with disabilities have access to equal rights, including inheritance of property, equal access to education, employment opportunities perhaps through tax incentives for businesses, representation in the government, and infrastructure allowing free movement (e.g., wheelchair accessibility to all buildings). They also recommended making shelter available to persons with disabilities. Further data collection about the extent of violence and the particular needs of people with disabilities could help NGOs and the government better plan assistance programs.

¹¹¹ UNICEF, *Situation Analysis*, 75.

¹¹² Handikos is a NGO with branches located throughout Kosovo. Since the 1990s, the organization has worked to register people with disabilities and offers a multitude of educational, sports, and therapy programs. Handikos has a woman’s branch and a number of branch offices are led by women dedicated to assisting women and children. For more information, contact KWN.

¹¹³ Psychological and economic violence were more common than physical violence, she said.

¹¹⁴ KPS in Prizren, KWN survey, 2008.

¹¹⁵ Handikos Prishtina, KWN survey, June 2008.

Violence against People Because of Their Sexual Orientation

Violence against sexual minorities has only recently been discussed publicly in Kosovo.¹¹⁶ Although the Anti-Discrimination Law specifically mentions sexual minorities as protected,¹¹⁷ persons who identify as homosexual often experience psychological violence at home, according to Elysium organization. A representative provided the example of a young man whose family constantly pressured him to marry. As a result, he was forced to leave his family. Even if their families do not know their sexual orientation, family members may speak negatively about homosexuality and offend them, Elysium representatives said. Some homosexuals also experience physical violence when their family learns their sexual orientation.¹¹⁸ An activist dealing with this issue said homosexuals whose families force them to marry against their will suffer sexual violence from their partners. They experience economic violence if they refuse to marry because their families do not share property with them. She told of a young man who was ousted from his home by his family and suffered continuous physical violence from his brother. For a while he was homeless and as a result was forced to discontinue his education. After being sheltered by the Centre for Social Emancipation, he secured asylum in the United States. They emphasized the need for education campaigns that violence against homosexual family members is still violence prosecutable by law.

8. Who Are the Abusers? Persons Most Likely to Perpetrate Domestic Violence

In general, institutions have maintained more information about victims than perpetrators of violence. Yet, information about perpetrators and the reasons they use violence is essential for the government and NGOs to plan targeted, effective prevention and rehabilitation programs. The only clear conclusion that can be drawn from the existing data is that perpetrators of violence tend to be men. According to KPS records from 2006 to 2007, 91.1 percent of the perpetrators of domestic violence were men, and only 8.9 percent were women. Of the perpetrators, 81.9 percent were Albanian, 9.9 percent Serb, 0.7 percent Turk, 1.9 percent Bosnian, 3.8 percent Roma/Ashkali, 0.4 percent Goran, and 1.5 percent "other". A census as well as further in-depth research is needed to accurately deduce whether violence is more present in any particular ethnic group.

Eighty-eight percent of the women KWN interviewed in 2007 had suffered violence at the hands of an intimate partner or former husband, 10 percent by other family members, and one woman by her child.¹¹⁹ Eighty-two percent were living with their abusers at the time of the violence, 80 percent were hurt before by the same abuser, and 91 percent had suffered violence from the same abuser numerous times in the year prior. Similarly, according to KPS records from 2006 and 2007, husbands were by far the most likely category of persons to perpetrate domestic violence, comprising more than 56 percent of perpetrators.¹²⁰

¹¹⁶ A film produced by Crossing Bridges, *Beyond the Rainbow*, presented the lived experiences of homosexuals in Kosovo (2007). The premier screening of the film in Kosovo was followed by a debate on the topic.

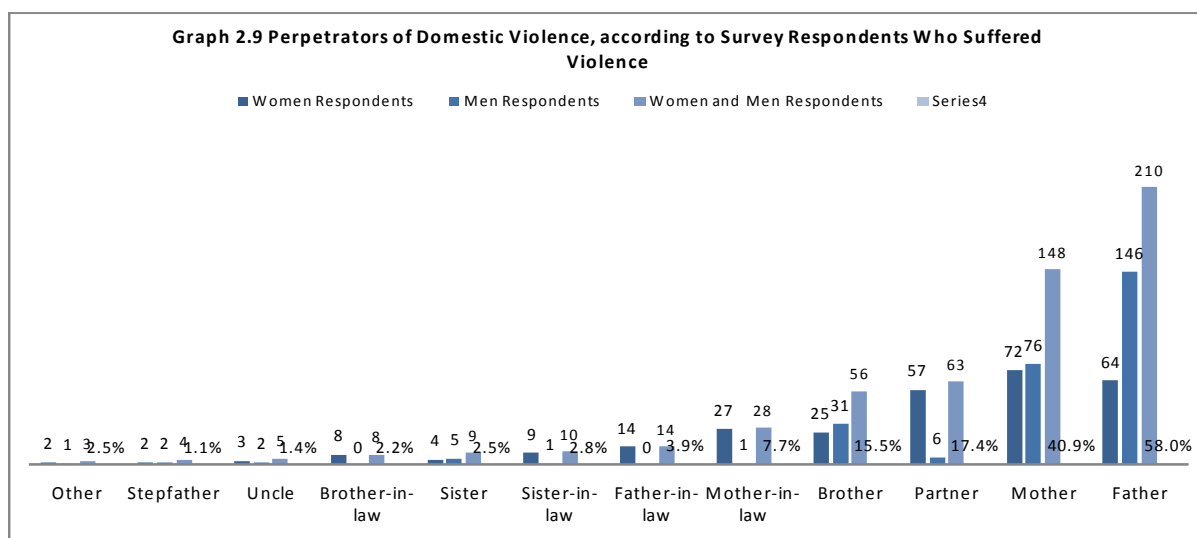
¹¹⁷ Assembly of Kosovo, Anti-Discrimination Law No.2004/3, Ch. I, Art. 2(a).

¹¹⁸ Elysium and Centre for Social Emancipation, KWN survey, 2008.

¹¹⁹ KWN, *Exploratory Research*, 19.

¹²⁰ Of 2,430 relationships recorded by KPS in 2006 and 2007, other relationships between perpetrators and victims included: groom/bride's father, stepfather/orphan, stepmother/orphan, aunt/nephew, grandfather/nephew, uncle/niece, uncle/nephew, mother/daughter, sister-in-law, father/daughter/son, cohabitating partners, ex-husband, father-in-law/bride, father/daughter, mother/son, sister-in-law/brother-in-law, mother-in-law/bride, father/uncle, sister/brother, brother/brother, parent/child, husband,

The perpetrators of violence against persons known to KWN survey respondents in 2008 were also primarily male partners.¹²¹ Among the 362 survey respondents who answered who perpetrated violence against them, the majority (58 percent) had suffered violence from their fathers and 40.9 percent from their mothers (see Graph 2.9). Notably, male respondents were more than twice as likely as female respondents to have suffered violence from their fathers. Women and men also suffered violence from their brothers (15.5 percent). Respondents (17.4 percent) also suffered violence from their partners. Women were nine times more likely to suffer violence from their partners than men. Other perpetrators of violence were mother-in-laws, father-in-laws, sister-in-laws, sisters, brother-in-laws, uncles, and stepfathers, among others (e.g., cousins, grandmothers, grandfathers, and daughters).



Research elsewhere in the world has suggested that alcoholism and drug abuse can increase the likelihood of violence.¹²² Therefore some governments require institutions like police and social workers to maintain data on the extent to which alcohol and drugs are involved in domestic disputes.¹²³ Since institutions have not collected this information in databases in Kosovo, it is difficult to know exactly the extent to which perpetrators or victims of domestic violence may have been using alcohol and/or drugs. However, many respondents to the KWN survey

grandmother/grandfather/groom, sister, sister-in-law/sister-in-law, aunt/niece, cousin/cousin, engaged, nephew/uncle and other combinations of the aforementioned relationships. The records did not make clear who perpetrated the violence in these relationships.

¹²¹ Again, women victims of domestic violence known by respondents were far more likely than men to suffer violence from their partners; while 221 women suffered violence from their husbands, only 20 men suffered violence from their wives. Other perpetrators of violence against persons known by respondents included fathers, brothers or brother-in-laws, sons, mothers, mother-in-laws, father-in-laws, and daughters, among others.

¹²² In regards to alcohol, see for example B. Ollett, "Alcohol and crime: a Women's Aid Perspective: Causes of Domestic Violence" From *Problems to Solutions*, Alcohol and Crime conference proceedings, Alcohol Action Wales (1994); B.M. Quigley and K.E. Leonard, "Alcohol and the Continuation of Early Marital Aggression," *Alcoholism: Clinical and Experimental Research*, Vol. 24(7) (Research Society on Alcoholism, 2000), 1003-1010; H.R. White and P-H Chen, "Problems drinking and intimate partner violence," *Journal of Studies on Alcohol*, 63 (2002), 205-214.

¹²³ In the United States, for example, this is standard practice and is included on standard institutional forms, including forms used by non-governmental shelters supported totally or in part by the government.

attributed violence to alcohol. For example, a woman who had divorced her husband said she had survived psychological, physical, and economic violence. Her husband who was an alcoholic beat her.¹²⁴ Another woman said, “My ex-partner beat me with belt, but I don’t consider it domestic violence because we were not married. He drank a lot. He didn’t have a limit on drinking, I’ve been a victim of physical and psychological violence.”¹²⁵

Persons who have experienced violence may also be more likely to perpetrate violence. Men who suffered violence during childhood or the war¹²⁶ may use violence against family members. Women may perpetrate violence against husbands who have repeatedly abused them. For example, a SSO described a case:

After a conflict they had in front of their children, the wife was making lunch and her husband was arguing with her. She didn’t know what to do, so she swatted his leg with the knife. The police were informed about the case, and the wife was imprisoned for three months with one year probation. [S]he was a victim of domestic violence before. Her husband was violent with her, but she never called the police. The wife was maltreated by her husband to the point that her jawbone was broken.¹²⁷

In other countries, “battered women syndrome” or “battered person syndrome” where suffering from repeated violence leads a victim to use violence against others, has been used in legal defence of persons, usually women, accused of crimes like physical assault or murder.¹²⁸

Research conducted elsewhere has also suggested that abused children are more likely to become perpetrators of violence than children who have not suffered violence.¹²⁹ A respondent to the KWN survey described such a case, “My neighbour who is about 37 years old now was beaten by his father and brother. Now he has psychological and health problems. Police came and took the brother. His father died, but he (the neighbour) now is very dangerous for other children.”¹³⁰ No longitudinal research examining whether abused children are more or less likely to perpetrate violence than other children exists in Kosovo, but could be conducted by trained professionals in the future.¹³¹

¹²⁴ Serbian woman age 36-45 from Strpce municipality.

¹²⁵ Serbian woman age 46-55 from Mitrovica municipality. Another man said he knew a case where “The violence happened because her husband used to drink alcohol. He used to violate her. His wife reported the violence to the police and after that her husband changed his behaviour positively” (Albanian man age 18-25 from Peja).

¹²⁶ Mary Ann Liebert, “Women, war and violence: Surviving the Experience,” *Journal of Women’s Health*, Vol. 17, Nr. 5 (2008), 793.

¹²⁷ SSOs, Ferizaj, KWN survey, 2008. This case also seems to illustrate inequality in a system that punished the woman for the violence she perpetrated, but not the man, though both perpetrated crimes.

¹²⁸ A wide body of literature and debate is available regarding battered person and especially battered woman syndrome. See, for example, D. L. Roth and E. M. Coles, “Battered woman syndrome: a conceptual analysis of its status vis a vis DSM-IV mental disorders,” *Medicine and Law*. Vol. 14(7-8) (1995), 641-658.

¹²⁹ See Bell, 1995; Rosenbaum & O’Leary, 1981; Rivera & Widom, 1990; Shakoor & Chalmers, 1991; and Widom, 1989.

¹³⁰ Albanian woman age 56-66 from Lipjan municipality.

¹³¹ Researchers must be highly qualified and pass a review process for research with human subjects to ensure their research will minimize harm to the persons studied. Unfortunately, Kosovo does not currently have a board for reviewing research practices, and the research conducted with human subjects may be harming or (re)traumatizing them. It would be advisable for the government to immediately establish such a review committee comprised of trained, unbiased professionals with a strong track record in conducting quality research to review all research with human subjects conducted in Kosovo.

CHAPTER 3

THE CONSEQUENCES OF DOMESTIC VIOLENCE

The negative impact of violence on people’s and especially women’s psychological, physical, and reproductive health has been well-documented internationally.¹ As early as 1993, a World Development Report stated violence was “as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill health than traffic accidents and malaria combined.”² The World Health Assembly declared violence a public health priority in 1996, after which the World Health Organization analyzed and reported on the health implications of various forms of violence, including domestic violence.³

Long after the immediate, short-term physical injuries of domestic violence have healed, violence can contribute to chronic health problems. Following their study in Latin America and the Caribbean, Morrison, Ellsberg, and Bott found “injuries –previously considered the most common outcome of violence – represent only the tip of the iceberg, and that violence is more appropriately conceptualized as a risk factor for health problems than as a health condition in itself.”⁴ Prior research around the world has illustrated how violence can impact acute and chronic pain;⁵ chronic irritable bowel syndrome;⁶ gastrointestinal, muscular, reproductive, and urinary systems;⁷ hypertension;⁸ and psychological state.⁹ Sexual violence, whether or not it occurs in a domestic relationship, can contribute to chronic pelvic pain; fibroids; infertility; pain during menstruation or intercourse; pelvic inflammatory disease; sexual dysfunction; urinary tract infections; vaginal discharge, bleeding, or infection;¹⁰ sexually transmitted diseases, including HIV/AIDS;¹¹ and unwanted pregnancy.¹² Victims’ mechanisms for coping with domestic violence may involve anger, anxiety, emotional withdrawal, denial, impulsivity, aggressiveness, apprehension, post-traumatic stress disorder, fear, hyper-vigilance, eating disorders, sleep disorders, substance abuse, depression, and even suicide.¹³

¹ See, WWC et al., 10. The first two paragraphs draw from KWN, *Exploratory Research*, 34.

² Cited in WWC et al., 10.

³ E. Krug, J. Mercy, L. Dahlberg, A. Zwi, “The world report on violence and health,” *The Lancet*, Vol. 360, Iss. 9339, pp. 1083 – 1088.

⁴ “Addressing Gender-Based Violence in the Latin American and Caribbean Region: A Critical Review of Interventions,” cited by WWC et al.

⁵ Grisso, Wishner, Schwarz, and Weene 1991; Mullerman Lenaghan, and Pakieser, 1996; Varvaro and Laska 1993. Goldberg and Tomlanovich 1984; Campbell, Snow-Jones, Dienemann, Kub, Schollenberger, O’Campo, Gielen, and Wynne 2002; Coker, Smith, Bethea, King, and McKeown, 2000, cited in WWC et al., 10.

⁶ Drossman, Leserman, Nachman, Li, Gluck, Toomey, Mitchell 1990; Leserman, Li, Drossman, Hu, 1998, cited in WWC et al., 11.

⁷ Martinez, Garcia-Linares, and Pico-Alfons 2003, cited in WWC et al., 10.

⁸ Rodriguez 1989; Coker et al. 2000; Letourneau, Holmes, Chasedunn-Roark 1999, cited in WWC et al., 11.

⁹ Coker 2000, cited in WWC et al., 10.

¹⁰ Campbell et al. 2002, cited in WWC et al., 11.

¹¹ Campbell et al. 2002; Watts and Zimmerman 2002, cited in WWC et al., 11.

¹² Campbell 2002; Watts & Zimmerman, 2002, cited in WWC et al., 11.

¹³ Child Welfare Information Gateway, “The Impact of Domestic Violence on Victims,” Not Alone, eNotalone.com, 2008, at <http://www.enotalone.com/article/10003.html>.

Despite the well-documented negative impact of violence, states have given domestic violence comparatively less attention than other health concerns, perhaps due to the aforementioned perception that domestic violence is a private rather than a public matter. However, as this chapter will demonstrate, poor health resulting from this “private” issue can impact negatively upon the broader society. The consequences of domestic violence on the individual, family, and society in Kosovo have been little considered previously. Understanding these consequences can help institutions develop protection and rehabilitation programs. Toward this end, this chapter draws from the existing literature internationally, as well as initial findings in Kosovo to examine the consequences of domestic violence on persons who experience violence (section one), their children and families (section two), and society as a whole, including institutions (section three).

1. Consequences for Persons Who Suffer Domestic Violence

One of the most obvious consequences of domestic violence is poor health. KWN conducted the first in-depth examination of how gender-based violence impacts women’s reproductive health in 2007. Following in-depth interviews with women who had experienced gender-based violence, primarily in domestic relationships, 80 percent reported health problems that resulted directly from violence. Women had suffered a plethora of health problems, including bruising; headaches/migraines; hypertension (high blood pressure); nervousness; fear; body injuries; bruised/injured face and eyes; depression; unconsciousness (with one respondent being unconscious for three days); broken arms; hand injuries; kidney problems; continual bleeding; head injuries; inability to concentrate or work; insomnia; low self-esteem; body and breast pain; a lack of immunity to disease; anaemia, attempted suicide; back pain; breathing problems; broken vertebra; chest pain; chronic hiccups; deafness resulting from an ear injury; diabetes; an irregular menstrual cycle; dizziness; gastritis; hate; heart problems; injuries to extremities; knife wounds; loss of desire to live; low blood pressure; miscarriages; panic attacks; scars; sweating; thyroid gland disease; tiredness; and trauma.¹⁴ Further, 77 percent of the professionals working in CSWs, VAAD, KPS, and

Kosovar women who had experienced domestic violence interviewed by KWN in 2007 described numerous health problems:

“[I had a broken arm, was hurt by a knife, and many and often haematomas covered my entire body.]”

“I had a deformed face, bruised and swollen eyes and lips from the hitting.”

“[I had a miscarriage] in my third month of pregnancy. My husband beat me. He punched me in the stomach and for three days I was bleeding, and after that the doctors told me that I had a miscarriage.”

“From the kicking [of my abdomen] that I experienced, I had a [spontaneous] abortion because my husband didn’t trust that the baby was his.”

Source: KWN, Exploratory Research, 41

¹⁴ Listed in graph in KWN, *Exploratory Research*, 39. The handbook for SSOs on domestic violence lists numerous physical symptoms of domestic violence, which could be used to identify victims of violence. It includes the aforementioned as well as cuts and sprains, self-inflicted cutting, general or psychogenic pain, damage to the anus, and skin irritations (OSCE and MLSW, 15).

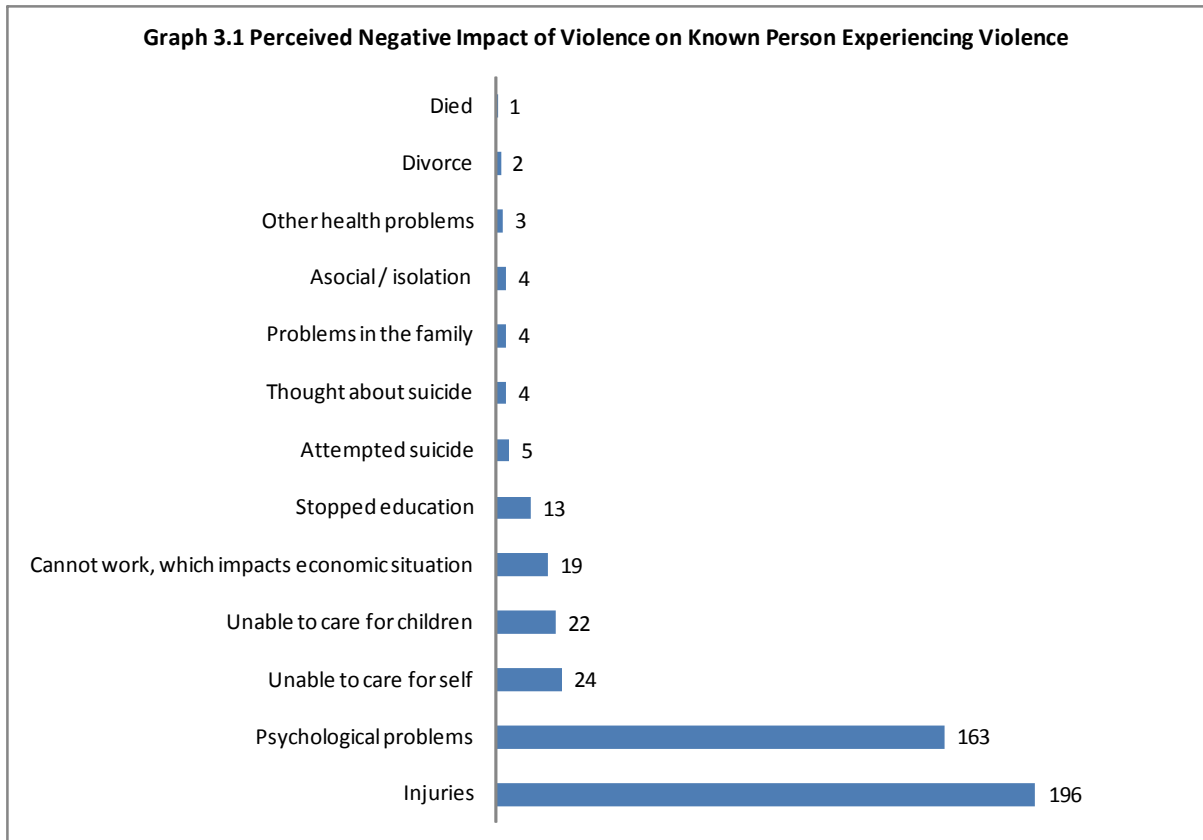
health clinics had seen women with poor health resulting from violence.¹⁵

As Graph 3.1 illustrates, the 358 respondents to the KWN Kosovo-wide survey who knew a person experiencing domestic violence said the negative results of violence on that person included: injuries (suffered by 196 known persons); psychological health issues like sleeplessness, constant fear, and guilt (163); an inability to care for him/herself (24); incapacity to care for children (22); an inability to work, impacting the persons' economic situation (19); discontinuation of education (13); attempted suicide (5); considered suicide (4); family problems (4); self-isolation or asocial behaviour (4); divorce (2); and other health problems. One respondent knew a person who died as a result of domestic violence.

Survey respondents who had suffered violence themselves said violence caused: psychological problems (54 respondents), injuries (41), an inability to care for children (10), attempted suicide (7), an inability to care for themselves (5), discontinued education (5), contemplated suicide (2), and divorce. Forty-nine respondents had health problems resulting from domestic violence, including depression, headaches, high blood pressure, anger, constant fear, bruising, miscarriages, and other injuries. However, of the 54 respondents who reported having serious injuries, only 38.9 percent went to the doctor. Two respondents did not go to the doctor because the perpetrator physically prevented them. KWN's prior research also showed that women experiencing violence are routinely prevented from seeking medical attention.¹⁶ Health problems may be exacerbated by victims' lack of access to medical facilities due to their geographic location in rural areas or if they are financially dependent on other family members or abusers. Delayed medical attention or untreated injuries can allow health problems to worsen with time, further incapacitating victims.

¹⁵ KWN, *Exploratory Research*, 34.

¹⁶ KWN, *Exploratory Research*, 29-32.



Psychological and health problems resulting from violence can lead to days missed at work,¹⁷ a lack of productivity, and resulting economic problems. As chapter five further discusses, domestic violence may also impact a person’s ability to contribute to decision-making within the family; respondents who experienced domestic violence found it difficult to discuss with other family members things that were important to them.¹⁸ A lack of decision-making power can mean, for example, that victims are pressured to have more children than they want.¹⁹

2. Consequences on Children and the Family²⁰

In addition to suffering similar consequences to their psychological and physical health as their adult counterparts, children’s development and life circumstances can be impacted negatively by domestic violence as well. Survey respondents who suffered domestic violence during their childhood were less likely to have a university level education than persons who did not experience violence.²¹ Since educational attainment impacts

¹⁷ The National Advisory Council on Violence against Women, Violence against Women Office, U.S. Department of Justice “Ending Violence Against Women: An Agenda for the Nation.”

¹⁸ Similarly, respondents whose family members yelled at them, swore at them, or made them feel very bad every month considered it difficult to speak with other family members about important matters.

¹⁹ Respondents who experienced physical violence tended to have more than three children. KWN has also found evidence that women who experience physical violence may be pressured to have more children than they want (*Exploratory Research*, 28).

²⁰ Mimoza Gashi contributed to researching and drafting this section.

²¹ Respondents whose family members purposely destroyed furniture or dishes during their childhood tended to have less than a secondary school education.

employment opportunities,²² they were also more likely to be unemployed and have low total household incomes later in life. Respondents who had been punished with a stick or belt in their childhood found it difficult to discuss issues important to them with other family members, potentially contributing to a lack of decision-making power within their families.

Persons who suffered violence in their childhood were also more likely to experience violence during their lifetime than other respondents. For example, an elderly woman described the violence she suffered as a child, which continued when she married her husband. The woman considered it “normal” that her husband beat her and that parents beat their children.²³ Children who witness or experience violence may think violence is a method for resolving arguments or conflicts within the family.²⁴ Children may later use violence against their partners, children, and other family members, perpetuating violence from generation to generation.²⁵ Indeed, survey respondents who were punished physically in their childhood (spanked with hand, belt, or stick) tended to punish their children the same way. Children at school or in the neighbourhood may suffer the consequences of domestic violence as well through bullying from children who have witnessed or experienced violence.²⁶

Domestic violence can also impair a parent’s ability to nurture her or his children. In homes where domestic violence occurs in the U.S., children are physically abused and neglected at a rate 15 times higher than the national average.²⁷ According to UNICEF, “The behavioral and psychological consequences of growing up in a violent home can be just as devastating for children who are not directly abused themselves.”²⁸ Of the survey respondents who experienced violence at home, nearly 30 percent (102 people) said children had seen or heard the violence. “I saw violence happening in my family,” a young woman recalled.²⁹ “I was very young. My father beat my mom. I grew up with problems. I was emotionally hurt when I saw my parents arguing ... I used to cry until I felt better.” Children who witness domestic violence are at higher risk of anxiety, depression, violence toward others, drug abuse, alcoholism, prostitution, committing sexual crimes, and attempted suicide.³⁰ According to Haiman:

²² See chapter five.

²³ Widowed Serbian woman older than 66 from Zubin Potok municipality.

²⁴ UNICEF Innocenti Research Centre, “Domestic Violence against Women and Girls” (Florence, Italy: June 2000), 12.

²⁵ Domestic violence, Social Learning Theory. See also, Janet Phillips, Parliament of Australia, “Domestic Violence in Australia – an overview of the issues,” E-Brief: Online Only, 7 August 2003, updated by September 2006, http://www.aph.gov.au/library/intguide/SP/Dom_Violence.htm.

²⁶ Phillips.

²⁷ J. Osofsky, “The Impact of Violence on Children.” *The Future of Children: Domestic Violence and Children* (1999) 9(3):33-49.

²⁸ “Domestic Violence against children,” at http://www.unicef.org/sowc07/docs/sowc07_panel_2_1.pdf, 1.

²⁹ Albanian woman age 18-25 from Podujeva municipality.

³⁰ P. Jaffe and M. Sudermann, “Child Witness of Women Abuse: Research and Community Responses,” in Stith, S. and Straus, M., *Understanding Partner Violence: Prevalence, Causes, Consequences, and Solutions. Families in Focus Services*, Vol. II. Minneapolis, MN: National Council on Family Relations, 1995; Wolfe, D.A., Wekerle, C., Reitzel, D. and Gough, R., “Strategies to Address Violence in the Lives of High Risk Youth.” In Peled, E., Jaffe, P.G. and Edleson, J.L. (eds.), *Ending the Cycle of Violence: Community Responses to Children of Battered Women*. New York: Sage Publications. 1995. Both cited in “Get the Facts – Domestic Violence and Health Care,” 2008 Family Violence Prevention Fund.

The child's development of an emotional attachment to a primary caregiver in the first six years of life is very important. A disturbance in this development can create problems in childhood, adolescence, and adult life. Behaviors fundamental to personal and interpersonal well-being are involved. Examples of these are: 1) the ability to create deep and enduring love relationships; 2) the strength to tolerate the imperfect satisfaction of personal needs; 3) the attitudes and desire to cooperate with others; and 4) the motivation to learn and work.³¹

KWN's prior research with adult victims of violence in Kosovo has demonstrated the impact of violence on their ability to maintain loving relationships, interact with others, and work.³² It seems practical to suggest that the same might be true for Kosovar children experiencing violence. Divorce and separation can also impact child growth.³³

Thus, domestic violence should not and can not be treated as an isolated, private issue. The consequences of domestic violence reach beyond the individual level to threaten the security and well-being of children and other family members. As children who are abused or witness abuse may be more likely to use violence against others, including sexual assault and other crimes, domestic violence can also impact society, as the next section illustrates. A better understanding of the consequences of violence on children and the family can enable institutions to prepare better responses for addressing the consequences of violence and potentially preventing future violence.

3. Consequences on Society, including Governmental Institutions

In addition to impacting children and the family, domestic violence has consequences for society. As the International Rescue Committee has written, "While gender-based violence often takes place in the private sphere, it has an indirect but dramatic impact on a country's health care system, and places a severe burden on the national workforce."³⁴ However, perhaps due to the aforementioned interpretations of violence as a private issue, governments rarely consider violence a public health issue.³⁵

Domestic violence incurs costs for police including time spent on arrests, responding to reports of domestic violence, and investigations.³⁶ The justice system finances temporary detention following arrests, the costs of imprisonment, prosecution, and court cases. Prevention and protection programs can involve additional costs, including social services like shelter for women and children; prevention and advocacy programs; job skills training for victims; and training programs for social services officers, police, doctors, the justice system, and media. The health system provides emergency room care, medical treatment, hospitalization, and sometimes psychological counselling. Domestic violence can impact the

³¹ Peter Haiman, "Protecting a Child's Emotional Development When Parents Divorce," The Natural Child Project (2007), at: http://www.naturalchild.org/guest/peter_haiman3.html.

³² KWN, *Exploratory Research*, 47-8.

³³ Second to the death of a parent or sibling, researchers have found that the largest cause of stress for children is divorce and marital separation (James H. Humphrey, *Helping Children Manage Stress: A Guide for Adults*, 15-16). Problems between parents can also cause stress among children, according to Humphrey.

³⁴ IRC website, "Addressing Gender-based Violence," at http://www.theirc.org/media/www/addressing_genderbased_violence_1.html, accessed 9 December 2007.

³⁵ Lori Heise, "Gender-based abuse: the global epidemic." *Cad. Saúde Pública* vol. 10 suppl. 1. Rio de Janeiro, 1994.

³⁶ This paragraphs draws from UNICEF Innocenti Research Centre.

economy by decreasing participation in the labour market, reducing productivity at work, contributing to lower earnings, and draining social assistance programs. Children who perform poorly in school as a result of violence and have to repeat grades incur costs for the education system.³⁷ Violence in the family can also affect children's capacity to learn, which impacts their future employability. Further, domestic violence can erode social capital, decrease citizens' participation in democratic processes, affect a country's economic and social development, and negatively impact the overall quality of life.³⁸

When all the aforementioned costs are added together, research has shown that domestic violence can cost a country billions of dollars annually. In Canada, the Centre for Research on Violence against Women and Children calculated that costs resulting from criminal violence against women carried "an annual price tag" of \$4.2 billion.³⁹ More specifically, domestic violence cost Canadian institutions dealing with social services and education \$2.4 billion per year, the criminal justice system \$872 million, labour and employment \$577 million, and health and medical institutions \$408 million.⁴⁰ The government covered 87.5 percent of these costs, or \$3.7 billion annually.

Better data collection on behalf of institutions and further research would be required to calculate the costs of domestic violence to institutions in Kosovo. However, it seems plausible to suggest that present programs related to domestic violence indeed cost the Government of Kosovo and taxpayers, such as training provided to SSOs at CSWs, KPS officers, judges, and shelter staff; financing the KPS Domestic Violence Unit; emergency room and health centre costs; the involvement of CSWs in protecting children and other victims of domestic violence; VAAD and Ministry of Justice expenditures for documenting and processing cases, procedural expenses like translation, authorised representation, legal counselling, and other juridical costs; sheltering victims; education costs for children repeating schooling; and social assistance costs to persons incapacitated or unable to earn money as a result of violence. Thus, domestic violence in Kosovo impacts the budgets of the Ministry of Health, Ministry of Labour and Social Welfare, and Ministry of Justice, as well as the overall Kosovo Consolidated Budget. As IRC has concluded, "The importance of addressing gender-based violence is therefore not only related to the physical and psychological well-being of women and girls, but to the economic and social welfare of any given community and nation."⁴¹

³⁷ The Inter-American Development Bank found for example in Nicaragua that 63 percent of children living in families where women suffer violence have retaken grades at school. Further, they tended to discontinue their education at age 9 compared to children of women who did not suffer extreme violence who tended to stop school at age 12 (Inter-American Development Bank and Johns Hopkins University Press, "Too close to home: Domestic Violence in the Americas," Loerto Biehl, Andrew Morrison, 1999).

³⁸ Ibid.

³⁹ National Crime Prevention Council, *Safety and Savings: Crime Prevention through Social Development* (Canada: March 1996), 2-3.

⁴⁰ Also in Australia, violence incurs costs for the community, such as justice for perpetrators and medical treatment for victims (Phillips).

⁴¹ IRC website, "Addressing Gender-based Violence."

CHAPTER 4

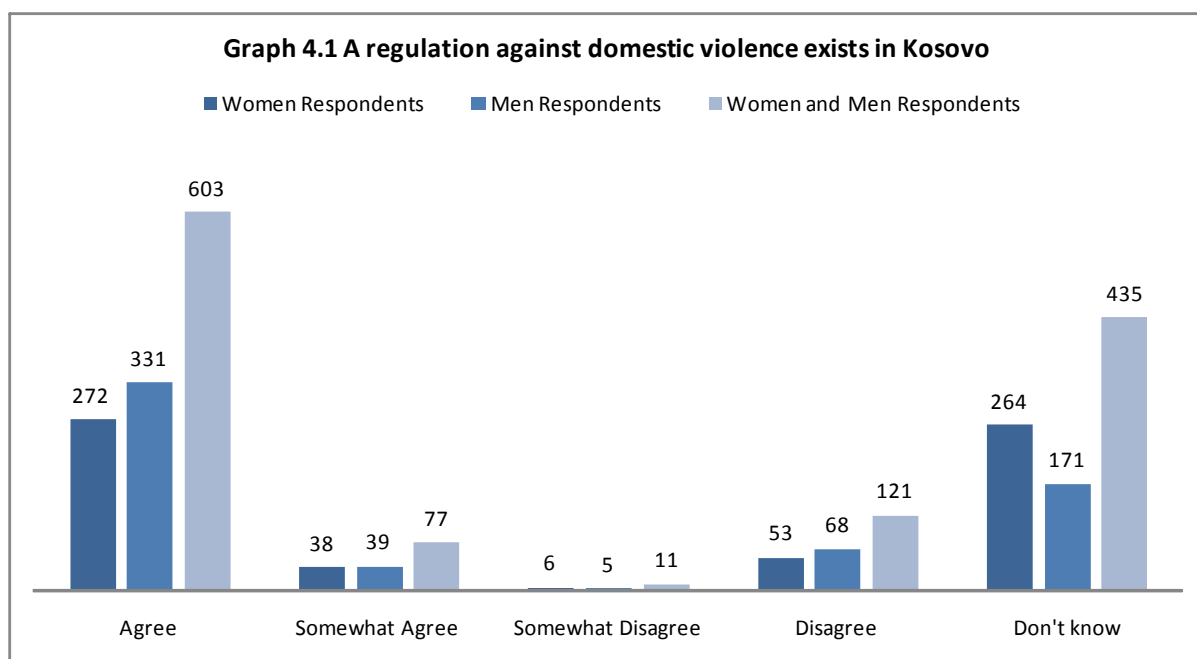
CITIZENS' RESPONSE: THE METHODS CITIZENS USE AND PROPOSE FOR ENDING VIOLENCE OR REDUCING ITS CIRCUMSTANCES

This chapter draws from the Kosovo-wide survey to identify methods citizens use to end violence or to reduce its consequences. After discussing how citizens deal with violence, the chapter provides information regarding citizens' knowledge of assistance programs available. It then presents citizens' perceptions as to which factors contribute to violence and finally their ideas as to how governmental institutions and non-governmental organizations could contribute to decreasing domestic violence and its consequences in Kosovo.

1. How Citizens Deal with Violence and Citizens' Knowledge about Assistance Available

The people respondents knew to be experiencing violence reduced pain primarily by talking to other family members or friends. Seventy called the police, 63 were divorced, 51 visited a doctor, 41 saw a psychologist or psychiatrist, and 35 went to live elsewhere for a while. Fewer went to shelters, cried, went for walks, refused to communicate with the perpetrator, or diverted their attention by working. Some known persons had unhealthy ways of dealing with violence like isolating themselves from others. Worryingly, three respondents said people *should not* do anything to reduce the consequences of violence; women should accept the reality of violence in life and/or obey their husbands in order to prevent future violence, they said.

While 18.3 percent of respondents experiencing violence said nothing made them feel better, 17 percent said talking to family members, 16.5 percent said talking to friends, and 16.5 percent said doing something with their hands like sewing helped them feel better. Respondents also slept, lived elsewhere for a while, cried, talked to a psychologist or psychiatrist, sent the perpetrator to jail, got a divorce, listened to music, read, or went to school. Nearly half the respondents did not tell anyone about the violence they were experiencing. One-third told another family member, 16.5 percent told a friend, and a few respondents told police, doctors, psychologists, or psychiatrists. Overall, the survey findings indicate that people experiencing violence are more likely to seek help from family members or friends than institutions. Therefore outreach efforts should also target people who could potentially assist victims of violence.



In order to determine respondents' knowledge of assistance available to victims of violence, KWN also asked respondents if they knew where a person could get help if she or he was experiencing violence. Approximately two-thirds of the respondents knew a person could get help from police.¹ Fifteen percent said another family member and 2.3 percent said a friend. Worryingly, only 13.2 percent of respondents mentioned the Centre for Social Work (CSW), 7.4 percent a non-governmental organization or shelter, 4.0 percent a Victim Advocate, 1.2 percent a psychologist or psychiatrist, and less than one percent mentioned a doctor. Fourteen percent of respondents could not think of a single place where someone suffering violence could get help, and a few respondents said a person should deal with violence inside the family. This illustrates the need for more community outreach and awareness-raising efforts to inform citizens regarding the services available from institutions.²

Underreporting of violence to institutions may be attributed in part to a lack of awareness regarding assistance available. Slightly more than half the respondents knew a regulation against domestic violence exists in Kosovo (see Graph 4.1), but 10.6 percent said such a regulation does not exist and 34.8 percent did not know whether a regulation existed or not. People in Lipjan, Fushe Kosova, and Shtime municipalities in particular did not know that a regulation exists. Awareness-raising about the regulation should target especially these municipalities, women, people with less than a secondary school education, the unemployed, low income, and Serbian and Goran ethnic groups.³ While 80 percent of the respondents said they would use a law if family violence happened to them, 15 percent would not, and five percent did not know. Groups less likely to use the law included women,

¹ Approximately 16 percent of respondents knew a person who had made use of assistance available from institutions. In 85.8 percent of these cases the police came, and in 40.6 percent the person left his/her home to reside elsewhere. In 19.8 percent of the cases, the person received assistance from the CSW, 11.1 percent from a Victim Advocate, 13.9 percent other legal assistance, and 10 percent from a women's organization or shelter. In approximately half the cases, the perpetrator was arrested and a third of the cases went to court.

² Chapter six and the recommendations elaborate upon potential awareness raising possibilities.

³ There was a correlation between these groups and the answer "don't know."

persons with less than a secondary school education, individuals with low income, and people in Gllogovc, Fushe Kosova, and Decan municipalities. The unemployed and younger generations (under age 45) were more likely to use the law.

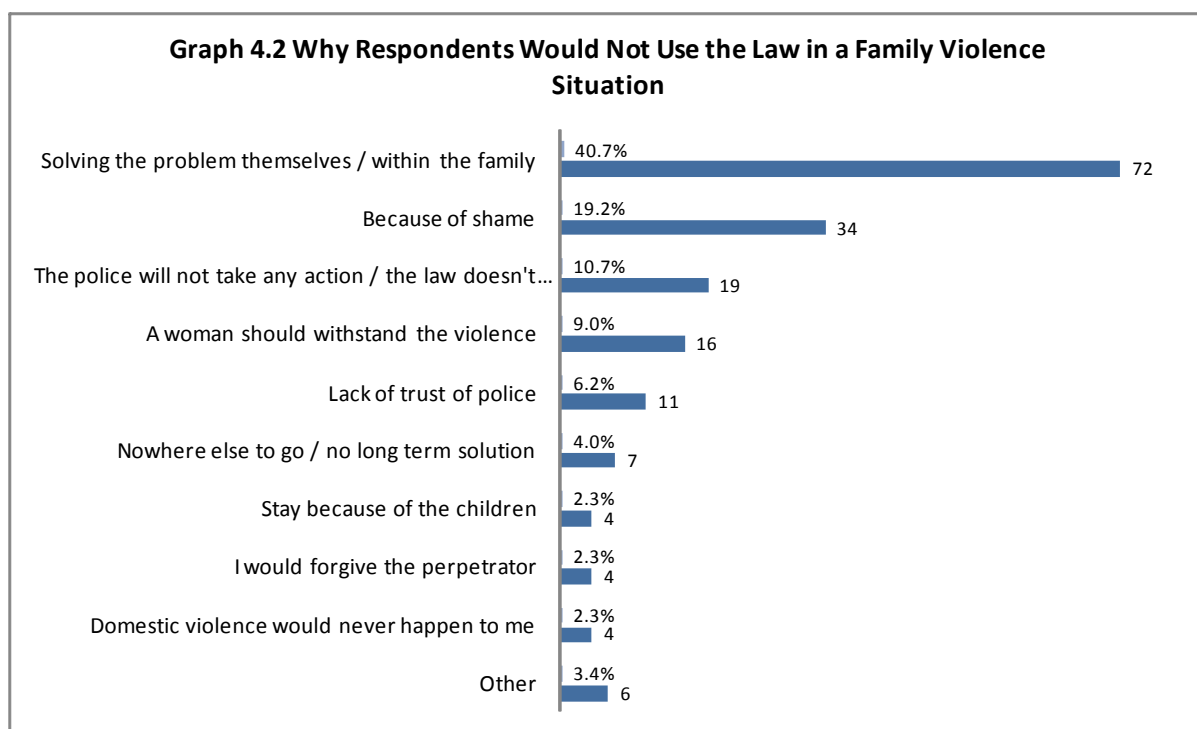
As Graph 4.2 illustrates, the reasons respondents gave as to why they would not use the law included: they would solve the problem themselves or within their family (40.7 percent); because of shame (19.2 percent); the police would not take any action or the law does not function (10.7 percent); a woman should withstand violence, not report it (9 percent); lack of trust for police (6.2 percent); reporting violence does not have any long-term solution or they have no place to go after they report violence (4 percent); they would stay because of the children (2.3 percent); they would forgive the perpetrator (2.3 percent); or domestic violence would never happen to them (2.3 percent). Men tended to answer that they would solve the problem themselves. Education campaigns should address issues of shame, myths that woman should bear violence, and make clear that assistance options are available. For women married to abusive husbands, it is important to ensure that they will maintain custody of their children and that financial options are made available for their survival.⁴ This is illustrated by a woman respondent who said her husband beat her. She didn't visit the doctor, but found it helpful and relaxing to talk with family members. She said that she would never call the police because of shame and her children. "I will bear this violence... I don't know how much," she said. "I don't want to leave my children because even though he beats me, he doesn't beat me to death. Then it would be reasonable to call the police." She attributed her husband's violence to the bad economic situation. "Poverty is the only reason that violence happens these years in Kosovo society," she said.⁵

"I would not go to the police because my husband would leave me. Also I would embarrass all my family."

– Albanian woman age 36-45 from Deçan municipality

⁴ See chapter six for more information.

⁵ Albanian woman age 36–45 from Prishtina municipality.



2. Reducing Violence through Prevention: Citizen Perceptions of Factors that Contribute to Violence and How to Address Them

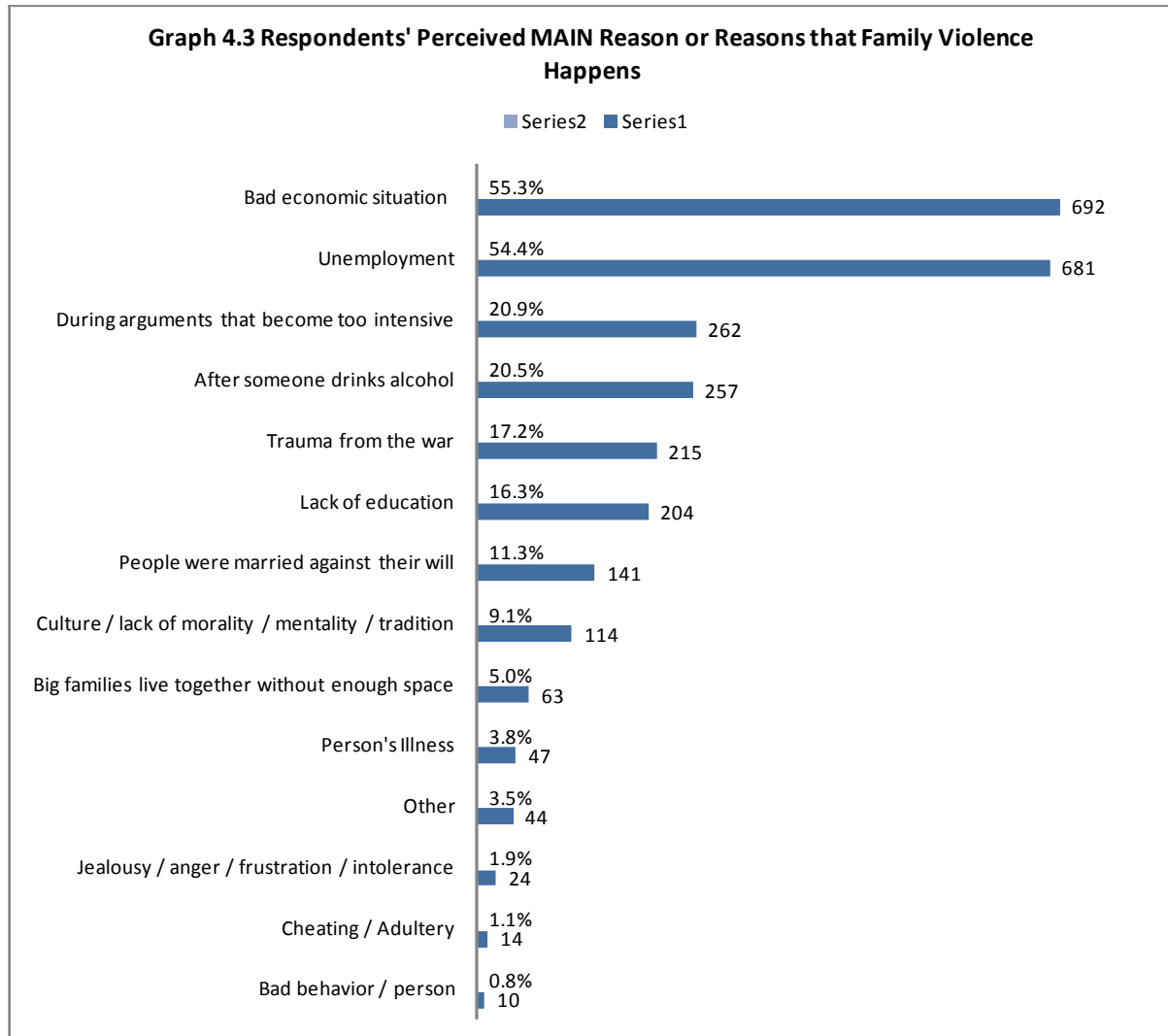
The vast majority of respondents attributed domestic violence to the bad economic situation or poor living conditions (55.3 percent), unemployment (54.4 percent), and/or poverty.⁶ For example, a woman attributed the violence that occurred at her neighbours' home to unemployment: "The son lives with his father, his wife who is pregnant, and their one-year-old child. He doesn't have a job, so he asks for money from his father. But his father doesn't give it to him. So ... the father and his son start to fight with each other, all because of unemployment ... until someone called the police."

As Graph 4.3 illustrates, other major factors contributing to domestic violence, citizens believed, were alcohol (20.5 percent), disagreements or misunderstandings between couples that became too intensive (20.9 percent), untreated trauma from the war (17.2 percent), and lack of education (16.3 percent). The groups most likely to attribute violence to the bad economic situation and lack of education were women and people from Prishtina and Peja. Citizens also mentioned the culture, mentality or tradition; a perpetrator's jealousy, anger, frustration, intolerance, bad behaviour, or bad personality; drugs; early or unwanted marriage; the political situation; an unprofessional and corrupt government (especially when corruption enabled perpetrators to go free); immorality; adultery; psychological disorders among perpetrators; inadequate laws for protection or prevention; male aggression; disrespect for law; disrespect for human rights; unequal power relations between age groups and/or genders;⁷ prostitution; recent social changes in Kosovo; big families living together without enough space; health problems; and a lack of respect for religion. A few respondents said if women knew their place in the family,

⁶ Note: the percentages do not total 100 percent because respondents listed more than one reason. While not all of these issues are illustrated on the graph, they were mentioned by citizens in response to other questions.

⁷ "Gender inequality; women in our society are neglected and not educated enough; men are more powerful," an Albanian man age 46-55 from Klina municipality commented.

violence would not happen. Men tended to think lack of education and arguments that became too intensive contributed to violence. People with less than a secondary school education and unemployed persons believed unemployment was the main reason, and most respondents under age 45 attributed violence to the bad economic situation.



Identifying potential causes of domestic violence can be useful for planning more strategic responses. Institutions can draw from citizens' perceptions in designing awareness-raising campaigns as well as institutional responses to preventing and addressing domestic violence. Indeed, citizens seem to have based their recommendations to the government on the factors they identified as contributing to violence. Nearly half the respondents said the government could prevent and/or address domestic violence by increasing employment for women, men, and especially for youth (e.g., supporting the creation of new jobs, making an employment strategy for at risk women). Citizens clearly considered improving the economy and living conditions vital. The absence of minimal living conditions like 24-hour water and electricity can test people's patience, increase frustration, and spawn arguments. "When there is no water and no electricity, family members become stressed and can hit or abuse each other," an activist said.⁸ By ensuring these basic conditions, the government could

⁸ KWN survey, June 2008.

contribute to the overall health and psychological well-being of citizens while potentially decreasing domestic violence.

Second, 10.1 percent of respondents recommended that the government ensure better access to education for women and men, including people in rural areas. Higher levels of education can improve citizens' chances of securing employment and potentially decrease domestic violence.⁹ School curriculum in primary and secondary schools could also include more information about domestic violence, sex education, and family education, respondents said. Respondents also recommended that the government make affordable or free vocational training available for at risk groups, particularly women, which could help them secure employment and contribute to reducing violence.¹⁰

Third, numerous respondents said the government and non-governmental organizations needed to lead education campaigns targeting women and men in rural and urban areas. Citizens in rural areas especially said that the government should be closer to the people and work more with people to address this and other issues. They expressed hope that government representatives would visit their areas more often, better investigate their needs, and bring cultural awareness-raising events to their villages. If more social activities were available in villages, violence may be less likely to happen, they said. Respondents also suggested using the media to raise awareness through television series that describe solutions for violent situations, public service announcements, talk shows, and publicized debates.¹¹ They recommended organizing more seminars, trainings, and debates on domestic violence, especially in rural areas, areas most at risk of domestic violence, and schools.¹² Some citizens said outreach efforts needed to encourage and empower women to report violence and provide them with adequate protection in order to do so. Citizens also said the government could finance non-governmental organizations working on this issue, especially in villages.

Fourth, respondents identified the need to draft, adopt, and implement a law against domestic violence in Kosovo.¹³ They said that the law should punish perpetrators, provide for the protection of and improved support services for victims, and have stricter punishment for perpetrators (e.g. Criminal Code). Respondents said police should work harder to investigate reports of domestic violence and improve their investigative techniques. They called for more effective and efficient functioning of the justice system, including decreasing nepotism, addressing the lack of professionalism, faster prosecution of cases, and stricter sentences for perpetrators. More generally, some respondents commented that the government needed to implement existing law related to property, gender equality, and domestic violence, as well as improve cooperation among institutions in reporting cases and implementing law.

Fifth, numerous respondents thought opening counselling centres or making counselling more available financially (e.g., free of charge) and geographically to people in

⁹ SOK has shown that people with higher levels of education are more likely to be employed (*2004 Labour Market Statistics*, 26). The results of this survey indicated that citizens with better education, employment, and higher total household income were less likely to experience violence (see chapter two).

¹⁰ Ideas for such vocational training are presented in chapter six.

¹¹ One citizen suggested that persons found guilty of domestic violence be identified in the media by name and surname, toward prevention.

¹² See the recommendations for suggested areas to target with information based on these research findings.

¹³ Thirteen percent of the survey respondents identified this need. One recommended establishing a commission in the government to deal with the issue of domestic violence, a recommendation elaborated upon in chapter six.

urban and rural areas could help prevent or lessen the negative impact of violence.¹⁴ Counselling centres could serve a number of purposes, they said, such as raising awareness about violence, as well as offering counselling for couples, victims, families, and perpetrators or potential perpetrators. Rather than establishing new counselling centres, most of these services can be provided through existing establishments like the Centres for Social Work, local non-governmental organizations, and shelters.

Sixth, respondents said institutions and organizations needed to provide better assistance to victims of violence. Some respondents proposed opening more shelters for victims of violence. However, the present shelters are rarely filled beyond capacity.¹⁵ Rather than opening new shelters, it would be advisable to support the existing shelters that have years of experience and trained staff, a recommendation also made by a few citizens. More specifically, survey respondents said assistance for persons suffering from domestic violence should include: counselling provided by professional psychologists, psychiatrists, or counsellors; family counselling; assistance finding employment; safe accommodation; access to free healthcare; access to better education; legal assistance; financial aid for victims and their families; assistance from the police; and ongoing [CSW] monitoring in households where violence has occurred until the situation is stable and resolved. Citizens also recommended establishing rehabilitation programs or centres for abusers, an idea further elaborated upon in chapter six.

Illustrating citizens' disappointment with the government and general frustration, nearly five percent of respondents did not believe the government could do anything to prevent or address violence. Three respondents said families should deal with their own problems.

¹⁴ A respondent recommended making counselling by professional psychologists available in schools, discussed in chapter six.

¹⁵ KWN, interviews with shelters.

CHAPTER 5

SOCIAL CONSTRAINTS THAT DEPRIVE PARTICULAR DEMOGRAPHIC GROUPS IN THE PRIVATE AND PUBLIC SPHERES, POTENTIALLY INCREASING DOMESTIC VIOLENCE

Theorizing has attributed domestic violence either to the individual behaviour of some men (e.g., psychopathology or a lack of control) *or* to social inequalities (e.g., patriarchy and unequal gender relations). However, Heise has argued for a less simplistic, multidimensional understanding that considers not only the individual or the society, but the interplay of various “personal, situational, and sociocultural factors” in contributing to violence.¹ A thorough understanding of the various potentially inter-related factors that contribute to domestic violence can enable institutions to develop better programs toward preventing future violence. This chapter examines particular social constraints in Kosovar society that may deprive certain demographic groups either in the private sphere (e.g., within their homes) or the public sphere, potentially contributing to domestic violence: traditional power structures within the family (section one), gender-based discrimination against children according to tradition (section two), lack of access to education (section three), discriminatory gender roles and employment practices (section four), and discrimination in property ownership and inheritance (section five). Further research is needed to examine other potential factors. Identifying such social constraints in addition to individual behaviours can enable the government to address root causes of violence and thus decrease it.

1. Traditional Power Structures within the Family

In Kosovo men still tend to lead the family unit,² especially in Albanian families.³ Men and rarely women make decisions regarding large family purchases and children’s education,⁴ as Graph 5.1 illustrates. More than half of the survey respondents (52.9 percent) said a male family member made decisions regarding how the family’s money should be spent for big purchases like a new car or furniture.⁵ Only 10.7 percent of the respondents said a female

¹ Lori Heise, “Violence against Women: An Integrated, Ecological Framework,” *Violence against Women* 4 (1998), 262.

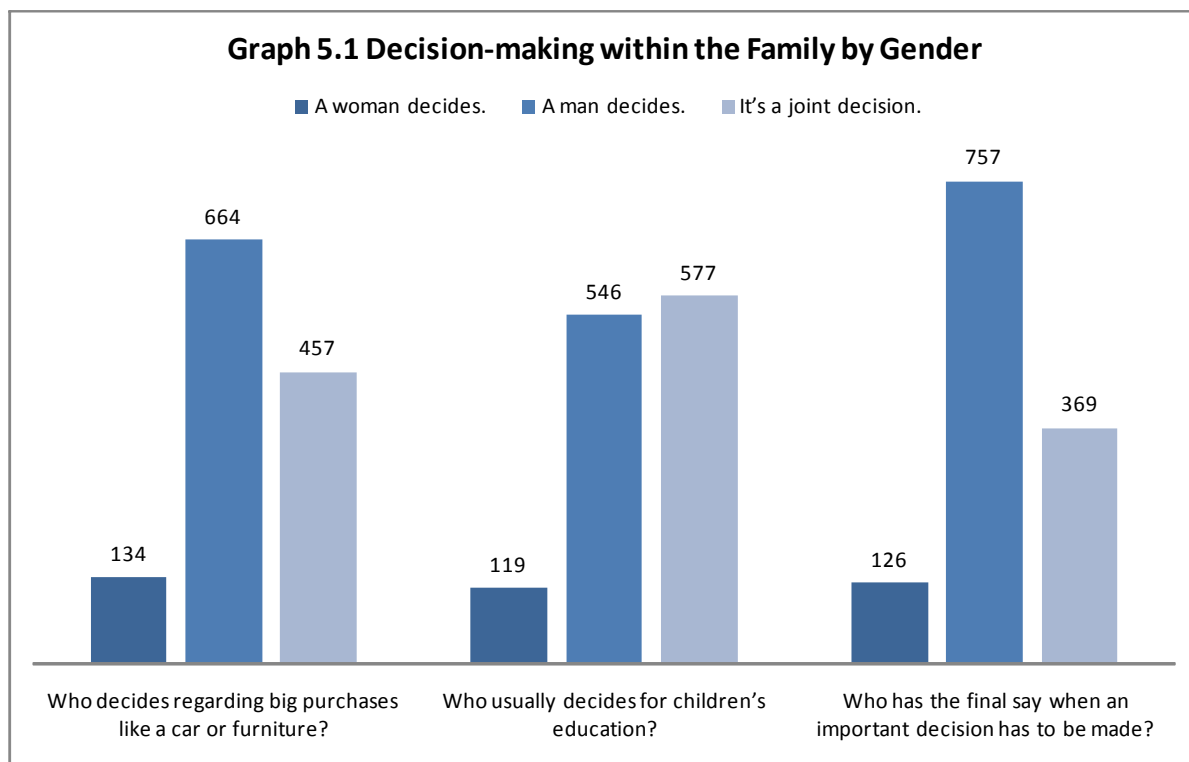
² Partners Kosova, KWN survey, 2008.

³ KWN found a correlation between men being decision-makers and Albanian respondents (KWN survey, 2008).

⁴ In 43.8 percent of the families, male family members decided regarding children’s education, compared to women deciding in 9.5 percent of families. For Albanians, rural respondents, and/or those who had big families, men were more likely to decide about education. Female decision-makers in regards to education tended to live in Prishtina municipality. Forty-six percent of the respondents said decisions about children’s education were made jointly or that each child decided for him or herself.

⁵ Male family members included the male respondent himself, a woman respondent’s husband, a father, father-in-law, brother-in-law, brother, son, or uncle.

made big financial decisions for the family.⁶ When an important decision has to be made, a male family member had the final say in 60.5 percent of respondents’ families compared to women in only 10 percent of families.⁷ Women respondents were also more likely than men to find it “difficult” to speak to family members about things that were important to them.⁸



A lack of decision-making power may be a form of psychological and economic violence in itself, as well as potentially contributing to physical violence.⁹ KWN identified a correlation between persons who experienced violence and those who found it difficult to talk to their partner or family about things important to them. A lack of decision-making power within the family may contribute to early marriage, discontinued education, unemployment, and an inability to influence the number of children one has.

⁶ Female respondents who were decision-makers included a male respondent’s wife, mother, mother-in-law, or grandmother. Women respondents who were employed and had high income also tended to have female decision-makers in their families. Just over one-third of the respondents (36.4 percent), many of which had high levels of education and employed partners, said important financial decisions were made by women and men together. Single, divorced or widowed respondents tended to have female decision-makers, which may indicate that women heads of households have more decision-making power.

⁷ Important decisions were made jointly in 29.5 percent of families. When the respondent had a low level of education or was unemployed, the decision-maker tended to be male.

⁸ Bosnian and Turkish respondents also tended to find it difficult while Serbs tended to consider it easy. People over age 55 tended to consider it difficult to talk to their partners about things important to them, while younger generations found it very easy. People who had not finished a university level education and/or were unemployed also tended to find it more difficult.

⁹ If a family member argued or disagreed with the decision-maker about their decision, in 5.2 percent of the families the decision-maker would get angry, in 2.2 percent the decision-maker would yell and shout, and in 1.3 percent the decision-maker would potentially physically harm the person who disagreed. Decision-makers that became angry and potentially harmed others tended to be from low income families.

Lack of decision-making power for young women can and has resulted in early and potentially unwanted marriage for some Kosovar women. For example, an Albanian woman said her family and especially her mother beat her very often, forced her to stop her education, and arranged for her marriage when she was only 16.¹⁰ In general women tend to marry younger than men in Kosovo. SOK reported in 2006 that the average age of marriage was 27 for women and 30 for men.¹¹ Similarly, 88.1 percent of the women surveyed by KWN were married before age 26 compared to 58.1 percent of men. All but one of the 11 respondents who were married before age sixteen were women. Early marriage and family obligations can impact a woman's level of education and thus her economic status.¹² As the second chapter illustrated, people with low levels of education and economic status are more at risk of violence than other demographic groups. Thus, addressing traditional power structures and ensuring women a greater decision-making role within their families may contribute to decreasing domestic violence in Kosovo.

2. Gender-based Discrimination against Children, according to Tradition

Even though the UN Convention on the Rights of the Child is applicable in Kosovo, rights guaranteed by law have been difficult to implement in practice. Discriminatory practices have been observed, such as preferential treatment for boys. Sex selection practices following ultrasounds have indicated that some women prefer male to female children, especially after having numerous female children.¹³ Perhaps as a result of sex selection practices, Kosovo's sex ratio in the last few years has been 100 girls born for every 109 boys.¹⁴ Social and family pressure to have male children has impacted some women's decisions to abort female fetuses.

Violence against children due to their gender is also considered a form of gender-based violence.¹⁵ In Kosovo, opinions exist that disciplining girls makes them morally correct or disciplining boys makes them stronger.¹⁶ These views may reflect and further perpetuate gendered stereotypes of being a "man" or "woman" and reinforce traditional power structures in the family.

3. Lack of Access to Education

The illiteracy rate among women in Kosovo is three times the illiteracy rate among men.¹⁷ Girls tend to drop out of school at higher rates than boys between mandatory primary education and secondary school.¹⁸ While one might hope that the situation has improved since 2000, still 40.6 percent of persons ages 18 to 25 surveyed through this research had

¹⁰ Albanian woman age 46-55 from Gjakova municipality.

¹¹ SOK, *Kosovo in Figures 2007*, Prishtina: SOK, April 2008.

¹² See section three on lack of access to education.

¹³ KWN, *Exploratory Research*, Section on Domestic Violence, case studies.

¹⁴ SOK, *Women and Men in Kosovo*, 3.

¹⁵ CEDAW General Recommendation 19 on Violence Against Women at <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>.

¹⁶ See chapter one, section three.

¹⁷ SOK, *Women and Men in Kosovo*, 3.

¹⁸ In primary mandatory education the school enrolment ratio of girls in comparison to boys is 92.0 whilst in secondary level education the ratio drops to 79.0 (UNDP, Human Development Report, *Youth – A New Generation for a New Kosovo*, 2006). Women respondents to the KWN survey tended to have lower levels of education than male respondents. While 24.4 percent of males had completed less than the mandatory secondary schooling, 56.4 percent of women had less than a secondary school education. Further, 50.9 percent of women respondents only had a primary school education, compared to 19.2 percent of men.

less than a secondary school education. Concerning, 42 percent of surveyed young women ages 18 to 25 had not completed secondary school, compared to 22.5 percent of male respondents. Respondents living in rural areas tended to be less educated than persons in urban areas, often discontinuing their schooling due to a lack of finances. In rural areas, 48.8 percent of respondents had not finished secondary school, compared to 30.3 percent in urban areas. Both SOK and the United Nations Development Program (UNDP) have found rural women to be among the most disadvantaged groups in accessing education.¹⁹ Three times as many rural women as rural men were illiterate.²⁰ While men in rural areas had ten years of education, on average, women had only eight.

Prior research has found Roma, Ashkali, and Egyptian ethnic groups (often referred to as RAE) also have low levels of education. The illiteracy rate among RAE was nearly 17 percent in 2003 compared to less than six percent for the total population.²¹ RAE women were further disadvantaged in their access to education with an illiteracy rate of more than 25 percent compared to eight percent for RAE men and six percent for the total population. On average, RAE women had approximately 5.5 years of education while men had eight.

When asked why they discontinued their schooling, a similar percentage of women and men cited not wanting to continue, lack of finances, lack of safety for attending school, and war or political conditions as reasons for discontinuing their education.²² Graph 5.2 illustrates the similarities and differences among men and women as to why they discontinued their education. More men discontinued their education because they had to work to help support their families (76.1 percent) than women (23.9 percent). Women were more disadvantaged than men in accessing education because the school was too far away, their family did not consider education important for them or for girls, or they were pressured by a family member or partner to stop. Not a single man stopped his education because of marriage, but 31 women respondents had. While ten women stopped schooling due to family obligations (e.g., to care for ill parents or siblings), only three men stopped their education for this reason. Clearly traditional socialized gender roles where women usually maintain their homes and serve as caregivers for their families impact women's ability access equal education.

Educational attainment impacts employment opportunities and economic welfare later in life.²³ People with higher levels of education are more likely to be employed in paid positions with higher monthly salaries, while persons with lower levels of education tend to be unemployed, have among the lowest monthly salaries, and/or depend on social

¹⁹ According to SOK, a mere 17 percent of rural women compared to 67 percent of urban men had completed education beyond primary school in 2003 (*Kosovo Demographic and Health Survey*, 4). A population census would improve statistical accuracy.

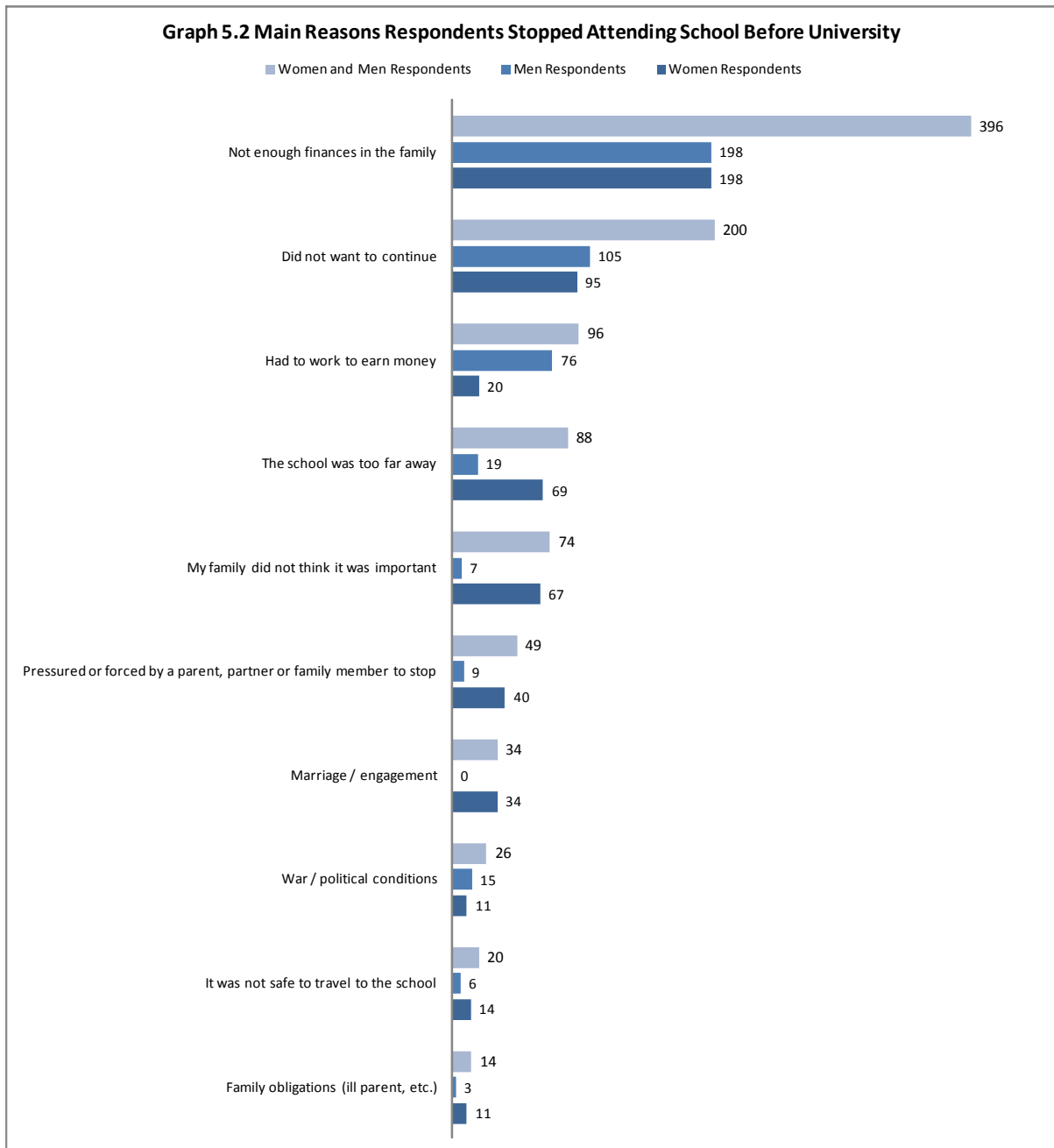
²⁰ UNDP, 119. SOK suggested four times as many (*Kosovo in Figures 2005*, 21).

²¹ UNDP, 118, based on Ministry of Education, Science and Technology statistics. UNICEF also concluded that few RAE girls ever enrol (*Situation Analysis*, 2).

²² Other research has suggested that factors contributing to rural women's low educational attainment include distance from school, a lack of security to travel to school, a lack of economic resources, "the traditional mentality," early marriage, and families who discourage them from continuing (See, a 2001 survey supported by the Urgent Action Fund; UNDP, 28; and Corrin, *Gender Audit*, 6). SOK also reported, "Rural families give priority to educating sons, which impacts rural women's educational attainment" (*Agricultural Household Survey 2004*. Prishtina: SOK, 2005, 12).

²³ In 2003 and 2004, 50 percent of people who had less than an upper secondary education and 40 percent of people with an upper secondary education were unemployed compared to 11 percent of people with higher education (SOK, *2004 Labour Market Statistics*, 26).

assistance from the state.²⁴ Increasing educational attainment for citizens is therefore within the interests of the government towards decreasing the number of citizens dependent on social assistance and increasing the population’s ability to contribute to productivity and taxes. Further, the financial commitment necessary for improving access to education, such as financing transportation, books, and other related costs, may prove significantly less expensive than later, potentially lifelong payments for social assistance.



Educational attainment can also affect the extent to which people contribute to decision-making within their families. People with higher levels of education tended to play

²⁴ Correlation found based on KWN survey, 2008.

more equal roles as decision-makers,²⁵ while people with a secondary school education or less found it difficult to speak to their partner about issues important to them. Unemployed persons tended to find speaking with their partner average or difficult. As the prior section discussed, such persons may be more at risk of domestic violence.

The government could help rural and urban women and men complete higher levels of education by ensuring that all citizens have access to education, providing free transportation to students, and furnishing school supplies. Education campaigns and community outreach efforts could target primary and secondary schools with messages about the importance of higher education and the impact that higher education can have on employment status and income level. Since some citizens and especially women are prevented by their families from continuing their education, a media campaign with public service announcements could target parents with information about how higher education for women and men can improve the family's economic situation in the long-term (e.g., investment in education today provides financial return in the future). Following good practices of prior campaigns, media spots could involve messages from prominent members of the community, cultural icons, and local success stories regarding the importance of education.²⁶

4. Discriminatory Gender Roles and Employment Practices

According to traditional gender roles, women have tended to carry out unpaid labour inside the house like raising children, caring for elderly or incapacitated family members, cooking, and cleaning. Men have tended to work outside the house, earning money for the household. Traditional gender roles shifted somewhat under communism, with state-operated childcare and more employment opportunities for women and men in large state-owned factories. At the same time, many women had the "double burden" of working outside the home during the day and working inside to maintain the household at night (e.g., cooking and cleaning). War, the destruction of state-owned factories, and the slow privatization and investment process have contributed to high unemployment rates in Kosovo since the end of the war.²⁷ Zuckerman and Greenberg have noted:

Typically women lose formal sector jobs in transition countries undergoing post-conflict construction. For example, in the simultaneous shift from old to new industries to construct a modern, global economy in the Balkans, women have been the first to be laid-off and the last to be rehired because of the traditional view that men are the main breadwinners despite increasing numbers of female-headed households and constitutionally-enshrined equal rights.²⁸

²⁵ In families where the respondent had a higher level of education, decisions regarding big purchases tended to be made jointly: involving both the male and the female (KWN survey, 2008).

²⁶ For example, campaigns led by Motrat Qiriaz in Has region and KWN about domestic violence and gender equality. Information available at www.womensnetwork.org or by request from info@womensnetwork.org.

²⁷ The World Bank 2001 estimate for unemployment was 70 percent (*Kosovo Poverty Assessment, Promoting Opportunity, Security and Participation for All*). Other estimates vary according to the plethora of "unemployment" definitions used (KWN, *Exploratory Research*). SOK reported unemployment near 40 percent in 2004 (*Labour Market Statistics 2004*, 7).

²⁸ Elaine Zuckerman and Marcia E. Greenberg, "The Gender Dimensions of Post-conflict Reconstruction."

Since the end of the war, traditional gender roles, including social norms according to which men are “bread winners”,²⁹ have meant a “hiring priority for men” and discrimination against women. Discriminatory treatment in hiring practices can be evidenced, for example, by the fact that more than 70 percent of women who have less than an upper secondary education were unemployed compared to approximately 35 percent of men with the same level of education in 2004.³⁰ Thus, women have been more affected by unemployment than men. An estimated 61 percent of women and 32 percent of men were unemployed in 2004.³¹

Similarly, only 16.4 percent of the surveyed women were employed in a paid position, compared 42.3 percent of the surveyed men. The reasons unemployed respondents gave for not working included: they had work to do inside the home (26.8 percent); work to do outside the home (3.8 percent); were unable to find a job (10.6 percent); family did not allow them to work (0.4 percent); were still a student (22.4 percent); retired (17.5 percent); or unable to work (12.7 percent). More than 40 percent of women did not work because they had to care for children or the home compared to only 5.8 percent of men.³² In spite of the Anti-Discrimination Law, other groups have also been disadvantaged regarding employment, including people with special physical and psychological needs.³³

Without contributing to the family income, women and other disadvantaged groups tend to have less decision-making power within their families. Indeed, a correlation existed between people who were unemployed and those who considered it difficult to talk to their partner about things that were important to them. Further, economic dependency can render women unable to survive independently and place them at risk of remaining hostage to violent home situations.³⁴ Economic security is essential for women in order to increase their decision-making role within their families as well as decrease the chances that they will be confined to a violent home life.

The establishment of affordable childcare centres could allow more women to work. Since rural areas may not be able to finance such centres, informal childcare and day care centres could be organized in houses by women in the area. The government could also give tax breaks to companies interested in employing women and other marginalized groups. In order to prevent violence, Handikos Prizren recommended that the government ensure job opportunities and education for persons with special needs as well. They must ensure that obligatory education is completed and people are not discriminated against in employment practices, Handikos representatives said.³⁵

²⁹ Weber and Watson, 515.

³⁰ SOK, *2004 Labour Market Statistics*, 26.

³¹ SOK, *2004 Labour Market Statistics*, 7. SOK later estimated the unemployment rate at 33 percent for men and 60 percent for women (*Women and Men in Kosovo*, 2007).

³² Only 8.7 percent of men worked inside or outside the home, while a third of the surveyed women spent their time caring for children, gardening, housekeeping and/or caring for animals. In general, women and people in rural areas tended not to work because they had work around the house.

³³ Handikos Prizren, KWN survey, 2008.

³⁴ OSCE and MLSW, 14.

³⁵ Handikos Prizren, KWN survey, 2008.

5. Discrimination in Property Ownership and Inheritance

Closely related to the economic insecurity that results from discriminatory employment practices, inheritance and property ownership has traditionally favoured men in Kosovo. According to Partners Kosova, men still inherit most if not all property in 99 percent of the cases.³⁶ Despite legal protection for equal ownership, women have unequal access to inheritance.³⁷ Without family assets, employment, or capital, women face discrimination in securing loans. KWN has found that “Women have difficulty accessing loans from local banks and international credit programmers that require ownership of assets - which is rare when male family members traditionally register property. Men also traditionally hold land in ownership.”³⁸ The Ombudsperson has reported that women own less than 10 percent of property and real estate in Kosovo compared to men owning 90 percent.³⁹ Further, women owned a meagre two to 6.2 percent of the small and medium sized enterprises. Women’s lack of ownership of businesses has been attributed to lower levels of education among women and a lack of entrepreneurship, with women owning more businesses in Prishtina where women tend to have higher levels of education.⁴⁰

In conclusion, the social constraints discussed in this chapter seem to be inter-related. Inequalities in the family, a lack of decision-making authority, unequal treatment in childhood, denied access to education and the resulting lack of employment opportunities, as well as unequal treatment in inheritance practices can be linked to gender inequalities present in society. Social constraints that may contribute to violence in Kosovo are closely related to gender inequalities in social practices and tradition. These social constraints tend to discriminate against women and thus place women at greater risk of domestic violence.

Discriminatory practices against women in Kosovo have been observed as *de facto* discrimination as opposed to *de jure*, as equality is guaranteed by present legislation.⁴¹ The Kosovo Acting Ombudsperson noted in its annual 2006 and 2007 report to the Kosovo Assembly that women continue to be discriminated against by men in both the public and private sphere.⁴² Efforts are needed to implement law, and, more importantly, to dispel myths and discourage discriminatory practices that perpetuate inequalities and thus increase the likelihood of domestic violence occurring. The creation of legislation sensitive toward gender inequalities can contribute to remedying discriminatory practices and violence against vulnerable groups, including women, children, persons with disabilities, and the elderly.

³⁶ Partners Kosova, KWN survey, 2008.

³⁷ KWN, *Monitoring Implementation*, and KWN, *Exploratory Research*.

³⁸ KWN, *Monitoring Implementation*, 50.

³⁹ Ombudsperson’s report.

⁴⁰ See, Ministry of Trade and Industry, *Research on Small and Medium Enterprises* (Prishtina: 2004), 11.

⁴¹ Particular social institutions and beliefs in many cultures may legitimize violence against women (See CEDAW).

⁴² Ombudsperson’s report.

CHAPTER 6

LEGAL AND INSTITUTIONAL GAPS IN ADDRESSING DOMESTIC VIOLENCE

Making states accountable for addressing violence that occurs in the private sphere remains challenging.¹ States and international law in general have tended to consider domestic violence a “private issue” rather than an issue relevant to national security.² Traditionally, national security that involves “outside aggressors” has drawn decision-makers’ attention more than addressing internal security issues, especially threats to women’s security in the private realm.³ Yet, prior research has suggested that women are more likely to be hurt by someone they know than a stranger, especially an international stranger.⁴ Thus, analysts have critiqued narrow views of security and argued for a broader, more inclusive definition.⁵

The fact that violations of human rights principles within private environments (i.e. homes) lack enforceability has been critiqued as andocentric because different life experiences remain unaddressed, making the distribution of justice unequal in practice.⁶ When power relations and a variety of contexts are considered, rights often fail to address various structural inequalities.⁷ Ignoring such inequalities and conditions may lead to a situation where equal rights reproduce inequality and at the same time ignore background conditions, as the last chapter illustrated.⁸ When states address violence in homes they need to account for inequalities and structural conditions affecting the distribution of justice to victims from various backgrounds.

A number of international instruments set the response against domestic violence in families and against women specifically at the international level. In 1979 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) set the basis for defining discrimination against women and gender-based violence. The 1993 Vienna Declaration on Human Rights affirmed women’s rights as human rights, and the 1995 Beijing

¹ Margharet Schuler, “Put our World to Rights,” in Institute for Women, Law and Development, *Claiming Our Place: Working the Human Rights System to Women’s Advantage* (Washington: Institute for Women, Law and Development, 1993).

² Tickner, (1997) 613.

³ In Kosovo, “the other” has been defined by ethnic/national (e.g., Serb, Albanian) differences. In the midst of Serb and Kosovar Albanian national struggles, domestic violence may have been seen as a threat to the national cause (See Julie Mertus, “Gender in Service of Nation: Female Citizenship in Kosovar Society,” *Social Politics*, Summer/Fall 1996, 261-277 and Julie Mertus, “Women in Kosovo: Contested Terrains” in *Gender Politics in the Western Balkans: Women and Society in Yugoslavia and the Yugoslav Successor States*. Ed. Sabrina P. Ramet. University Park: Penn State UP, 1999).

⁴ Heise, Ellsberg, and Gottemoeller 1999; Watts and Zimmerman 2002, cited in WWC et al.

⁵ For example, Tickner has critiqued traditional international relations theory as “masculinist” (*Gender in International Relations*, New York: Columbia University Press, 1992)

⁶ Charlesworth and Chinkin, *The Boundaries of International Law: A Feminist Analysis*, Ch 7 (New York: Manchester University Press, 2000), 208-212.

⁷ Tony Evans, “Introduction: power, hegemony and the universalisation of human rights,” *Human Rights Fifty Years on: A reappraisal*, Tony Evans (ed.), (Manchester, New York: Manchester University Press, 1998), 2, 16.

⁸ Ann Philips, “Multiculturalism, Universalism and the Claims of Democracy” in M. Molyneux and S. Razavi (eds) *Gender Justice, Development and Rights* (2001), 117.

Platform for Action reiterated state responsibilities for combating violence against women. The 2000 United Nations Security Council (UNSCR) Resolution 1325 on Women, Peace and Security drew attention to violence against women in peace-keeping operations as well as during conflict and post-conflict situations. The Kosovo authorities must also uphold the UN Convention on the Rights of the Child. In addition the Council of Europe has enacted recommendations toward addressing domestic violence, such as Recommendation (2000) 5 on the Protection of Women against Violence. Kosovo's domestic legislation enlists a number of the aforementioned international conventions, and Kosovo's authorities must apply these principles when responding to cases of domestic violence.⁹

Kosovo's domestic legislation and policies has also responded to different social constraints and gender inequalities that may deprive women in the private or public sphere. The Assembly of Kosovo has adopted laws like the Gender Equality Law, Anti-Discrimination Law, Law on Family and Social Services, and Law on Family. These laws can be considered milestones in promoting and defending gender equality and non-discrimination principles in Kosovo.¹⁰ Further, activities foreseen in the National Action Plan on the Achievement of Gender Equality in Kosovo (2003) address issues related to economic, political, social and cultural constraints that may deprive women from enjoying their rights in the public sphere. Kosovo has also created a number of gender equality mechanisms as foreseen by the Kosovo Law on Gender Equality at the ministerial and municipal level.¹¹ While these mechanisms are relatively new, preliminary research has critiqued the municipal and ministerial focal points on gender issues for their lack of human and financial resources, professional capacity, and understanding of gender equality, which continues to hamper the effective response of these institutional mechanisms.¹²

In Kosovo, enforcing legislation and implementing laws has been problematic, and Kosovar institutions have struggled to uphold the rule of law. Kosovar authorities have almost completely ignored implementation of some laws like the Gender Equality Law and Anti-discrimination Law.¹³ Differential treatment affected by underlying discrimination against women and children has also caused issues with the implementation of civil and criminal measures foreseen to protect victims and prosecute perpetrators of domestic violence.¹⁴

This chapter looks at the legal and institutional response of the Kosovo authorities to cases of domestic violence. It identifies current legal and institutional gaps in addressing domestic violence in Kosovo for the purpose of informing the Government of Kosovo's current initiative to draft a Kosovo National Action Plan against Domestic Violence.¹⁵ The analysis and recommendations presented here are based on data available from Kosovar

⁹ The Kosovo Constitution enlists international conventions that the authorities need to apply under the Section on Fundamental Rights and Freedoms, Art. 22. At <http://www.kushtetutakosoves.info>, accessed June 2008.

¹⁰ UNFPA, "A Case Study of Gender-Based Violence in Kosovo," (2004), 19.

¹¹ See Kosovo Law on Gender Equality, Ch. 4 on responsible bodies for the achievement of gender equality and their competencies.

¹² Ombudsperson, "Acting Kosovo Ombudsperson's Annual Report 2006-2007," Section on Gender Equality, 63-72. See also, KWN, *Monitoring Implementation*. UNIFEM also analyzed the functioning of these mechanisms for a conference on gender equality mechanisms.

¹³ Ombudsperson, Annual Report, 16.

¹⁴ See the section on protection below.

¹⁵ The effort will be led by the Agency for Gender Equality in the Office of the Prime Minister and supported by UNDP / WSSI. Specific recommendations for this effort are presented later in the chapter.

institutions and current research. First, as per the three focus areas of the Women’s Safety and Security Initiative, the chapter examines legal and institutional gaps for protecting victims (section one), prosecuting perpetrators (section two), and preventing domestic violence (section three). The fourth section makes recommendations for enhancing the overall government response to domestic violence, including ways for improving data collection and monitoring. All sections involve concrete recommendations for each institution toward improving its response to domestic violence.

1. Legal and Institutional Gaps for Protecting Victims of Domestic Violence

This section first examines the implementation of applicable legislation toward protecting victims of domestic violence. Second, it discusses institutional response in protecting victims, including cooperation among institutions. Third, it offers detailed recommendations toward improving institutional response in protecting victims.

1.1 Implementation of legislation toward protecting victims

A number of civil and criminal measures are foreseen under the Kosovo applicable law to protect victims and prosecute perpetrators of domestic violence. UNMIK Regulation 2003/12 on Protection against Domestic Violence provides a set of measures to respond to the needs of domestic violence victims by offering legal protection and assistance mechanisms.¹⁶ It offers a range of protection orders to protect victims from perpetrators of domestic violence acts¹⁷ and makes law enforcement authorities (KPS), victim advocates (VAs) and social services officers (SSOs) responsible for protecting victims of domestic violence.¹⁸ Kosovo criminal law also defines various crimes committed in a domestic relationship.¹⁹ The crimes may be investigated and prosecuted *ex officio* (automatic prosecution) or by private motion depending on the severity of the crime. A domestic violence act *per se* is not defined in the criminal law. When addressing domestic violence acts, the Kosovo Criminal Code enlists various criminal offences such as light bodily injury, grievous bodily injury, rape, and sexual abuse when committed in a domestic relationship. Therefore, for the purpose of criminal law, these offences are considered specific acts of domestic violence.²⁰

The definition of “domestic relationship” in criminal law and the Domestic Violence Regulation is similar. The broad definition accommodates common living modes in Kosovo by explicitly listing which persons are defined as members of the household and eligible for

¹⁶ See, for example, Ombudsperson, *Ex Officio* Report of the Ombudsperson Institution in Kosovo Report concerning the Implementation of Section 7 and 9 of UNMIK Regulation 2003/12 on Protection Against Domestic Violence, *Ex Officio* Registration No. 1/06 (November 2006).

¹⁷ The Domestic Violence Regulation offers three kinds of protection orders: Protection Order, Emergency Protection Order and Interim Emergency Protection Order. The protection orders differ on the measures that can be issued and the issuing authority. Some of the measures are: forbid the perpetrator of domestic violence to approach the victim at a certain distance or work place; prohibit the perpetrator to enter or remain in a common residence with the victim; order the perpetrator to allow the victim to use the common residence if the court assesses it will not be against the safety and the well-being of the victim; order the seizure of weapons; order the return of the child to the victim; prohibit the disposing of any property either by the victim or the perpetrator for a specific temporary time period (Section 2).

¹⁸ It also criminalises the violation of measures of the protection order in requesting fines or imprisonment for perpetrators of domestic violence (Section 16 of the Domestic Violence Regulation).

¹⁹ UNMIK Regulation 2003/25 on the Provisional Criminal Code of Kosovo and UNMIK Regulation 2003/26 on the Provisional Criminal Procedure Code of Kosovo.

²⁰ See OSCE and MLSW, 24

protection orders.²¹ The Domestic Violence Regulation offers a definition of domestic violence only for the purpose of issuing protection orders using civil law procedures in courts.²² For protection orders, domestic violence acts or omissions are: causing bodily injuries; engaging the other person in a non-consensual sexual acts or sexual exploitation; causing the other person to fear for his or her physical, emotional or economic well-being; kidnapping; causing property damage; unlawfully limiting the freedom of movement of the other person; forcibly entering the property of the other person; forcibly removing the other person from a common residence; prohibiting the other person from entering or leaving a common residence; or engaging in a pattern of conduct with the intent to degrade the other person when committed in a domestic relationship.²³ The detailed but rather perplexed divisions of protecting and prosecuting domestic violence acts have caused difficulties in implementation (see below).

The Domestic Violence Regulation requests expeditious reaction by the judiciary in responding to the specific needs of vulnerable victims.²⁴ The regulation offers the basis for issuance of different kinds of protection orders when the perpetrator of domestic violence poses an immediate or imminent threat to the safety, health or wellbeing of the victim.²⁵ It also offers protection for witnesses of violence who might be endangered for reporting it.²⁶ Further, the Domestic Violence Regulation enlists acts of light bodily injury, violation of protection orders, non-consensual sexual acts or sexual exploitation, kidnapping, and damaging the property of another person as criminal offences related to domestic violence when conducted in a domestic relationship and requires *ex officio* prosecution.²⁷

KPS officers' ability to protect victims has improved significantly since the passage of the Domestic Violence Regulation. Previously, "police intervened in [domestic violence] cases just to calm the situation. They then left people to deal with the problem by themselves," a KPS representative said.²⁸ Since the passage of the Regulation against Domestic Violence institutions have treated domestic violence more seriously, including punishing acts in the Temporary Criminal Code of Kosovo. Yet, representatives of institutions dealing with domestic violence said numerous legal gaps still exist.²⁹ For example, not all penal acts that could occur in a domestic relationship are defined in the

²¹ See the introduction for a definition of "domestic relationship".

²² The Domestic Violence Regulation requires that the procedures foreseen under the Law on Contested Procedure are used when petitioning or issuing protection orders (see Articles 6.3, 7.3, 8.4, 8.6, 9.4, 10.4, 10.6, 13.4, 13.6 and 18.2). However some of the acts such as light bodily injury, violation of protection orders, non-consensual sexual acts or sexual exploitation, kidnapping, damaging the property of another person are enlisted as criminal offences related to domestic violence when conducted in a domestic relationship and require *ex officio* prosecution under the criminal procedure.

²³ Section 1.2 of the Domestic Violence Regulation.

²⁴ The Domestic Violence Regulation requests that the courts issue protection orders in a timely manner: within 24 hours for an emergency protection order and within 15 days for a protection order from the petitioning of the request (section 7 and 9 of UNMIK Regulation 2003/12).

²⁵ Section 2.1 (p), 6.3 (d), 8.1 (b), 10.1 (b) (c), 13.2 (b) (c), and Section 14.5 of UNMIK Regulation 2003/12.

²⁶ Little information is available as to whether any protection orders have been granted to witnesses of violence. The Youth Network of Kosovo noted that some youth do not report violence because they are concerned about repercussions. The government needs to ensure confidentiality to people who report violence and ensure mechanisms to protect them are functioning, including shelter if needed (KWN survey, 2008).

²⁷ Section 16 of the Domestic Violence Regulation.

²⁸ Sector for Investigation of Domestic Violence and Maltreatment of Children in the KPS Directorate against Grievous Crime, KWN survey, 2008.

²⁹ KPS, WWC, and Medica Kosova, KWN surveys, 2008.

Temporary Criminal Code of Kosovo or Domestic Violence Regulation.³⁰ “[I]t is difficult to apply in practice a regulation that doesn’t punish all acts of domestic violence,” a KPS representative said.³¹

KPS also encountered problems applying Article 13, which foresees emergency temporary protection orders to be granted by UNMIK police. After UNMIK police transitioned its competencies to KPS, this particular competency remained reserved for UNMIK police even though they cannot act, only monitor. Presently, no institution can apply this article based on existing law. Thus, a new law against domestic violence needs to give KPS the authority to assign emergency protection orders for longer than 48 hours, like the competency previously held by UNMIK.³²

Even though criminal and civil law include detailed descriptions of the roles and responsibilities of different agencies to protect victims of domestic violence, the implementation of these provisions has proven difficult. Judges and prosecutors have often failed to implement legislation correctly. A case below provided in a recent report by the OSCE Mission in Kosovo³³ illustrates the problems with correct implementation of the Domestic Violence Regulation and criminal law:

[In] a case in Ferizaj/Uroševac, on 20 November 2006 the Municipal Public Prosecutor dismissed a police criminal report dated 3 November 2006 that indicated a man had physically assaulted his wife and caused her injuries, thus committing a crime that should be prosecuted *ex officio*. According to the police investigation, there had been violence between the couple prior to the current incident. In the decision of dismissal, the prosecutor wrongly interpreted the current applicable legislation and affirmed that **both parties committed “domestic violence”, a criminal offence that does not exist**. In contrary, the decision on dismissal stated “[t]he criminal offence [of domestic violence] is not among the criminal offences prosecuted *ex officio*.”

Instead of charging the perpetrator with the crime of bodily injury in accordance with criminal law³⁴ and requesting the protection order as foreseen by the Domestic Violence Regulation, the prosecution failed to correctly investigate the case and let the perpetrator walk free. Other available research in Kosovo on the implementation of the Domestic Violence Regulation and other acts or omissions when committed in a domestic relationship have shown inappropriate or partial implementation of the legislation.³⁵

Judges and prosecutors have reported practical difficulties in the implementation of this legislation, which has failed to offer protection to victims against domestic violence. The Centre for Protection of Women and Children in Prishtina and victims of domestic violence

³⁰ KPS, KWN survey, 2008. For example, she and another KPS officer said disturbance, combined physical and psychological violence, and arguing are not listed specifically (KWN survey).

³¹ KPS, KWN survey, 2008.

³² CSW Prishtina and VAAD, KWN survey, 2008.

³³ OSCE Mission in Kosovo, “Report on Cases of Domestic Violence in Kosovo,” (July 2007).

³⁴ Crimes including causing physical harm to a person by causing light or grave bodily injury and temporarily damaging an organ or a part of the body of the other person; diminishing the capacity of the person to work; disfiguring the other person; or impairing the health of the other person when conducted **in a domestic relationship** is considered a crime punishable with three months to three years imprisonment and should be *ex officio* prosecuted (see Article 153, 154 of the Kosovo Provisional Criminal Procedure Code).

³⁵ See OSCE and MLSW, 24

have filed complaints with the Kosovo Ombudspersons Institution about the failure of a number of municipal courts to implement sections 7 and 9 of the Regulation concerning the issuance of Protection Orders and Emergency Protection Orders.³⁶ The Domestic Violence Regulation foresees a number of measures that can be issued against perpetrators by courts. However, in practice, the measures issued by courts are either limited in their nature or are used by judges to ease the consequences caused by domestic violence acts. In a case of petitioning for a protection order in the Municipal Court of Leposaviq, the OSCE Mission in Kosovo reported that the victim requested the removal of the perpetrator from the common living quarters. The court decided the opposite, ordering the victim to return to the common residence and be allowed to watch TV.³⁷ Even though the municipal CSW also recommended removing the perpetrator, the court did not consider how its decision could endanger the victim and her children's safety and health. In this particular case, the protection order was issued to reconcile the couple rather than to issue the protective measures requested by the victim.

In other cases monitored by the Kosovo Ombudsperson Institution³⁸ as well as the OSCE Mission in Kosovo, women mostly requested measures foreseen in Section 2 (i) of the Domestic Violence Regulation, ordering "the perpetrator to allow the protected party to use the residence shared by the respondent and the protected party." Husbands in Kosovo commonly sanction women victims of domestic violence for their "disobedience" by removing them and sometimes their children from common living quarters.³⁹ In this sense, the protection order enables women to return to a common household. The decision of putting the couple back again in the common residence might cause risk to the health and well being of the victim and her children.

For example, in the first case from Gjilan/Gnjilane the mother desired to return to her husband's apartment although he had mistreated her and the baby. Since the potential for further violence existed, arguably returning home was not in the best interest of the child. Similarly, in the second case (also from Gjilan/Gnjilane), the mother requested to return to the husband's house with the children although the husband had allegedly committed acts of physical violence against them...the court...nevertheless continued with the session and issued the protection order.⁴⁰

In each of the cases monitored by the Ombudspersons Institution most of the victims and their children were sent back to their husbands' homes without an in depth analysis or knowledge of potential acts of violence that might cause risk to the health and well being of

³⁶ The Kosovo Ombudsperson Institution in accordance to Section 9 of UNMIK Regulation 2006/6 on the Ombudsperson Institution in Kosovo, can conduct *ex officio* investigations of judicial institutions on her/his initiative if there is a suspicion that a human rights violation might have occurred.

³⁷ *Ibid*, 13.

³⁸ Ombudsperson Institution, *Ex Officio* Report, 2006.

³⁹ Commonly women in Kosovo do not own property nor enjoy inheritance rights foreseen by the applicable law. It is therefore very common that the property is registered in their spouses name or other members of the household in the extended family (i.e. father or grandfather of the husband). Women therefore can be easily removed from property not legally owned, and this domestic violence act is often used by perpetrators as a measure to 'discipline' their wives and children. See Ombudsperson, "2006-2007 Annual Report of the Acting Ombudsperson to the Assembly of Kosovo," section on "Gender Equality in Kosovo," 63-72.

⁴⁰ OSCE Mission in Kosovo, "Report on Cases of Domestic Violence in Kosovo," (July 2007).

the victim.⁴¹ Even though the Domestic Violence Regulation foresees that the perpetrator may be ordered not to approach the victim in a specified distance or remain with the victim in the common residence,⁴² courts rarely grant victims with this foreseen measure.

According to the Domestic Violence Regulation, a family member cannot forcibly remove another family member from a common dwelling place, but if the victim is at risk by continuing to live with the abuser, the Regulation does not offer any alternative.⁴³ Protection orders stipulating that the perpetrator and victim share the same house place victims in danger. An SSO said, “The victim lives under pressure and must leave that place because the abuser does not respect the protection order.” Further, police often fail to intervene and courts seldom take action when protection orders are broken.⁴⁴ Other measures such as ordering the perpetrator to pay for the rent of the victim in another place of residence or alimony for the child are rarely reported.⁴⁵ According to a VAAD representative, if the courts do not have evidence that the perpetrator can afford to make such payments because the perpetrator does not have property, a salary, or is working without a contract, the court “can not” push him/her to do this.⁴⁶ While this is not entirely accurate as the law on execution defines how such calculations should be made and how police should execute court decisions, the rule of law is weak in ensuring implementation.⁴⁷ Even when courts ruled that the perpetrator should pay alimony, the ruling was applied rarely, some respondents said.⁴⁸

Cases of victims withdrawing from prosecuting cases of domestic violence or protection order requests have also been observed. In the 39 cases investigated by the Ombudsperson Institution, victims withdrew six requests for issuance of protection orders.⁴⁹ Numerous respondents to the KWN survey said couples agreed and so the charges were dropped or the case resolved. A man from Skenderaj municipality said, “The police came and the case went to court, but the perpetrator was not punished because they [spouses] agreed by the end.” In another case, children called the police, and the police arrested the man. They later released him because he promised his wife that violence would never happen again and she forgave him. The Ombudsperson has suggested that the dependency of women on their husbands or their husbands’ families may mean that women do not request divorce and may continue to suffer domestic violence at the price of “not being separated from their children, becoming a burden to their families or, even worse, facing the unknown dangers of being forced to fend for themselves.”⁵⁰ Thus, even if the law provides for the protection of victims of domestic violence, if not implemented it remains ineffective in offering protection.

⁴¹ See OSCE and MLSW, 24.

⁴² Section 2 (c) and (f) of the Domestic Violence Regulation.

⁴³ Victim Advocate in Prishtina, KWN survey, 2008.

⁴⁴ SSOs in Ferizaj, KWN survey, 2008. WWC also commented that protection orders required better monitoring to ensure victims’ protection from perpetrators (KWN survey, 2008). VAAD representatives recommended that violations of protection orders involve harsher sanctions according to the criminal code.

⁴⁵ VAAD also reported ambiguity in decisions related to alimony.

⁴⁶ KWN survey, June 2008.

⁴⁷ In this sense, empowering victims and making alternatives available to them is important.

⁴⁸ Liria shelter in Gjilan and KPS officer in Peja, KWN survey, 2008. The KPS officer said the court should be stricter regarding property ownership. Children were homeless “very often,” the officer said, because the abuser did not pay alimony for his children and partner.

⁴⁹ See KWN, *Exploratory Research* and OSCE Mission in Kosovo Assessment Report on the Establishment of Referral Mechanisms for Victims of Trafficking in Human Beings, October 2007.

⁵⁰ Ombudsperson Institution, *Ex Officio* Report, 2006.

Court delays in processing cases, especially related to protection orders, have further hampered efforts to protect victims. For example, the Domestic Violence Regulation allows for courts to forbid contact or specify the distance between the victim and perpetrator, but such measures are rarely applied because of delays in decisions related to protection orders and alternate rulings.⁵¹ Since cases often took two or more years for review, additional penal acts could occur in the meantime. Therefore, expeditious processing of requests for protection orders by courts is essential in order to protect victims from ongoing violence.

The Kosovo Acting Ombudsperson *Ex Officio* Report concluded that judges generally lacked knowledge regarding the contents of the Domestic Violence Regulation, which contributed to delays.⁵² Judges delayed the issuance of protection orders, failing to meet the timelines foreseen by the Domestic Violence Regulation (15 days and 24 hours to issue protection orders or emergency protection orders, respectively). In some cases related to protection orders, judges took up to eleven months whilst in cases of emergency protection orders courts took days or even several months.⁵³ A failure to comply with the deadlines foreseen by the applicable law places victims at further risk of repeat or continual violence, potentially negatively impacting their health and well-being and countering the aim of the Regulation.⁵⁴

All cases, not only domestic violence cases, suffer from delays. The Statistical Department of the Secretariat of the Juridical System in the Kosovo Judicial Council has made a list of various factors contributing to the numerous unresolved cases: unclear legislation; other institutions not fulfilling their duties; lack of judges; poor distribution of judges in courts; too few prosecutors; poor working conditions (e.g., offices, technology, transportation, low salaries); inability to deliver court summons because of unclear addresses; lack of witnesses; irrational wasted time by some judges and courts officials (e.g., absence from court to attend various unnecessary trainings and seminars); limited budget for employing additional staff; and centralized administration.⁵⁵ Judges have attributed delays to their case overload. For example, in Prishtina, although the population has grown substantially since the end of the war, the government has not made budget allocations for hiring additional judges.⁵⁶ Partners Kosova further attributed pending cases to judges' low salaries, too few and inefficient staff, inadequate professional training, and disrespect for executing the law that regulates the functioning of the justice system.⁵⁷ Other problems within the justice system include poor management skills, bad administration, lack of new

“Police do a very good job, but when cases go to court they fail. ... Cases sit for a year [before the courts] start procedures. After a year has passed, they call us, they call the CSW. During that time the violence has probably happened again.”

-- KPS officer, Prizren

⁵¹ VAAD, KWN survey, June 2008.

⁵² Ombudsperson Institution, *Ex Officio* Report, 2006.

⁵³ OSCE observed in its Report on Domestic Violence Cases in Kosovo (July 2007) delays in the issuance of protection orders. SSOs also emphasized the need for the justice system to process cases in a timelier manner and for the defence of victims to be more effective (SSOs in Ferizaj, KWN survey, 2008).

⁵⁴ See Council of Europe Action Plan Proposal, 1998. Also, KWN survey of VA, June 2008.

⁵⁵ Unpublished paper given to KWN, 2008.

⁵⁶ Judge, comment made to KWN representative.

⁵⁷ A SSO attributed the failure to implement the law to culture and a lack of professionalism (KWN Survey, SSO in Mitrovica, June 2008).

personnel educated inside and outside the country, and lack of knowledge regarding technology and the use of digital information.⁵⁸

1.2 Institutional response toward protecting victims

Offering effective redress and protection to victims of domestic violence remains an ongoing challenge for governments around the world.⁵⁹ The Council of Europe has expressed concern with the lack of knowledge among institutions in appropriately identifying acts of domestic violence and other forms of gender-based violence.⁶⁰ Further, the provision of legislation unaccompanied by appropriate resources (human and financial) has caused shortfalls in assistance and protection. As the Council of Europe stated:

Countries have been generally slow to recognise the financial and social costs of gender violence (in terms, for example, of investigation costs, health, housing and education), with, as seen, variations in the law and in sanctions available. There is often little recognition of the needs and rights of those experiencing violence, little appropriate support from many organisations and a lack of resources and provision for those specialist groups making a key contribution to relevant service provision.⁶¹

Kosovo applicable law offers numerous mechanisms and requires a number of governmental and non-governmental institutions to respond to and offer protection against domestic violence. The Victim Advocacy and Assistance Division (VAAD) of the Ministry of Justice,⁶² municipal Centre's for Social Work (CSW) of the Ministry of Labour and Social Welfare (MLSW),⁶³ and Domestic Violence Units of the Kosovo Police Service (KPS) are the key institutions in Kosovo that respond to cases of domestic violence. A number of laws govern the responsibilities of social workers (SSOs), victim advocates (VAs) and police in

⁵⁸ Courts also rarely cooperate with other actors that could help and make their work easier, such as NGOs dealing with law and conflict resolution, according to Partners Kosovo. They believed that adopting the Law on Mediation and involving mediators in courts to deal with some cases could lessen the workload for judges. CDHRF and the Statistical Department of the Secretariat of the Judicial System in the Kosovo Judicial Council also recommended mediation mechanisms be used to solve some cases (KWN surveys, 2008).

⁵⁹ For example the UN Committee on the Elimination of Discrimination against Women describes failures of the Hungarian and Uzbekistan authorities to offer effective redress and protection mechanisms for domestic violence victims (at <http://www.un.org/womenwatch/daw/cedaw/reports.htm>, accessed June 2008).

⁶⁰ See Council of Europe Action Plan Proposal, 1998.

⁶¹ Council of Europe, "Summary Action Plan Proposal on Violence Against Women," (1998).

⁶² UNMIK Regulation 2003/26 on the Provisional Criminal Procedure Code of Kosovo enlists in Articles 81 and 82 victim advocates as key institutions responsible in safeguarding victims' rights especially victims of acts committed in a domestic relationship.

⁶³ A number of laws guide social services in offering protection to victims of domestic violence (i.e. Law on Social and Family Services, Law on Family, the Domestic Violence Regulation, etc.). For example the 2005/02-L17 Kosovo Assembly Law on Social and Family Services sets the legal grounds for regulating the services to persons and families in need by defining persons in need as domestic violence and human trafficking victims. Domestic violence victims therefore are entitled to social protection including social assistance, counselling and material assistance in cases where funding is available (Article 1.4 and 2.10). Further the Kosovo Law on Family enlists the Centres for Social Work as guardianship authority for children in need of social protection (UNMIK Regulation 2006/07 on the Promulgation of the Kosovo Assembly Family Law 2004/32, Art. 6, paragraph 2).

responding to cases of domestic violence.⁶⁴ NGOs are also engaged in offering shelter, counselling, and other forms of assistance to victims of domestic violence. The Domestic Violence Regulation includes a detailed description of roles and responsibilities on protection against domestic violence, including responsibilities of law enforcement authorities (i.e. police). The specific section on law enforcement response in protecting cases of domestic violence is appraisable. Further, the Domestic Violence Regulation underlines the need for close cooperation between various agencies such as CSWs, VAs, and police in offering protection.

As a perplexed legislation, however, the applicable law has affected practically the roles of various agencies and their performance mandated by law.⁶⁵ Research has found a number of failures concerning the institutional response to domestic violence in Kosovo, including: the lack of professional capacities to work with sensitive cases of domestic violence and gender-based violence in general; too few well-trained, professional police for domestic violence response, especially on night patrols;⁶⁶ the failure of social services to represent children's best interests in accordance with applicable law;⁶⁷ the failure of the judiciary (i.e. courts) to involve social services even if required by law;⁶⁸ a lack of human and financial resources to respond appropriately to cases in need of protection; the failure of victim advocates to safeguard rights of victims in accordance with applicable law;⁶⁹ and a lack of coordinated response from the key agencies concerned.⁷⁰

The first response of institutions when called to address reports of domestic violence often has been to remove women and sometimes children from their homes and place them in shelters while perpetrators remain home.⁷¹ From 2005 to 2007, KPS arrested suspects in only 30 percent of the reported cases, and courts ordered protection orders in only 9.2 percent of cases.⁷² Removing victims from their homes and placing them in shelters disempowers them financially and socially, placing them at a disadvantage regarding

⁶⁴ For a detailed description of the laws governing the responses in cases of domestic violence and the roles and responsibilities of Ministry of Justice, Ministry of Health, and Ministry of Labour and Social Welfare, see KWN, *Exploratory Research*, Appendix 2 on the Legal Framework, 77-84.

⁶⁵ Ombudspersons Annual Report to Assembly of Kosovo 2006-2007 section on "Gender Equality" 62-72.

⁶⁶ Shelter representatives, KWN surveys, 2008.

⁶⁷ For example Article 6 of the Kosovo Assembly Family Law sets the basis for the administrative municipal body as competent for social issues. Further, Article 7 of the Kosovo Assembly Law No.02/L-17 on Social and Family Services, promulgated by UNMIK Regulation 2005/46 appoints as the administrative municipal body the municipal Centre for Social Work (quoted in OSCE Mission in Kosovo report on Domestic Violence Cases, 2007, 11).

⁶⁸ For example "A review of the Criminal Justice System in Kosovo, 1 September 2000-28 February 2001," Department of Human Rights and Rule of Law of the OSCE Mission in Kosovo Section 6 and 7 on the Rights of Victims I and II, Sexual Violence and Intra-Familial Violence.

⁶⁹ Ibid.

⁷⁰ Ibid. NGOs also often complained that institutions did not follow precisely procedures in accordance with their mandate. See KWN, *Exploratory Research*.

⁷¹ Liria, KWN survey, 2008.

⁷² While KPS does not have the authority to provide emergency protection orders (see below), KPS assigned such orders anyway in 0.2 percent of cases. Some regions arrested suspects more frequently than others. Peja imprisoned the most suspects: 48 percent of the cases reported in that region from 2005 to 2007. Prizren imprisoned 33 percent, Mitrovica 32 percent, Prishtina 26 percent, Ferizaj 26 percent, and Gjilan only 14 percent of cases. Eighty percent of the cases were referred to a Victim Advocate, 64.9 percent to a CSW, and 5.9 percent to a shelter.

property rights, potentially separating them from their children, and isolating them from other natural support mechanisms like family and friends.⁷³

When women are removed from or forced out of their homes, abusers often maintained custody of children because women cannot afford to care for the children financially.⁷⁴ Traditionally, children often remain with the father's family when a couple is separated.⁷⁵ According to two SSOs, child custody is still not adequately addressed within existing law. "If a victim wants to have her children with her, she does not have a lot of opportunities as to where she can go," they said.⁷⁶ In cases where the father has perpetrated violence, this can place children in danger of further violence.⁷⁷ The decision regarding to whom custody should be awarded should be based on a clear legal definition of parental rights, and decisions should consider various factors, not only material wealth.⁷⁸ The breaching of child visitation rights also has been punished rarely and requires addressing.⁷⁹

Recent reports resulting from the monitoring of domestic violence cases in courts have shown the failure of social services (CSWs) to protect the rights of children when required by law.⁸⁰ CSWs either failed to show up at sessions when required to do so by courts or in some cases offered views contrary to victims' safety and health.⁸¹ For example, the Legal System Monitoring Section of the OSCE Mission in Kosovo monitored a case in the municipal court of Gjilan where a mother petitioned for a protection order for herself and the child (both victims of domestic violence) and requested her return in a common residence with the perpetrator. The CSW failed to attend the court session even though the court regularly summoned the SSOs and the judge issued the protection order even if this could endanger the health and well being of the mother without the view of the CSW on what would be in the best interest of the child.⁸² In other cases, SSOs said the court often failed to summon them or left them out of court procedures.⁸³

⁷³ According to Liria, there are not enough measures in place to protect women and ensure they receive their share of marital assets.

⁷⁴ Safe House Gjakova, KWN survey and telephone conversation, 2008.

⁷⁵ For example, a young Albanian woman from Podujevo municipality described the case of her neighbour: "The husband used to beat his wife, and even now that they are divorced he doesn't allow her to see her child. She doesn't have this right. The woman complained to institutions but they didn't do anything. Now her child is living with her ex-husband. The man has remarried, but also that woman is violated by her mother-in-law and sister-in-law. They beat her very often. We hear bad noises coming from there." Not only was the woman victim not granted custody of her child, but the man continued to perpetrate violence because the case was not prosecuted properly.

⁷⁶ SSOs in Ferizaj, KWN survey, 2008.

⁷⁷ Safe House Gjakova, KWN survey and telephone conversation, 2008.

⁷⁸ UNICEF has recommended that courts interpret the "best interest of the child" more broadly (UNICEF Submission to the Committee on the Rights of The Child in *"To Speak, Participate, and Decide – The Child's Right to Be Heard"* Geneva, 15 September 2006, Section 8.

⁷⁹ Liria, KWN survey, 2008.

⁸⁰ Department of Human Rights and Rule of Law of the OSCE Mission in Kosovo, "A review of the Criminal Justice System in Kosovo, 1 September 2000-28 February 2001," Section 6 and 7 on the Rights of Victims I and II, Sexual Violence and Intra-Familial Violence. Also see Department of Human Rights and Rule of Law Monthly Public Reports of the Legal Systems Monitoring Section (March and August) 2005.

⁸¹ Ibid.

⁸² Ibid.

⁸³ SSO, KWN survey, 2008.

NGOs have also complained regarding the professional performance of CSW staff who tended to resolve cases by pushing reconciliation and sending children back to abusive homes.⁸⁴ Social workers do not always consider the needs of victims for legal representation, medical assistance and psychological assistance, but emphasize the reconciliation of couples, the Ombudsperson reported.⁸⁵ Indeed, a SSO told KWN, “We do not support shelters, and we try not to mention them as the first opportunity for [victims] because we are trying not to make women leave their homes.”⁸⁶ While in some instances family counselling is possible, in other cases the extremity of the violence and/or the likelihood of repeat violence may mean that “family reconciliation” is not possible or preferable considering the safety of the victim(s). Encouraging women to remain in violent situations can put them at risk of continued violence, potential injury, as well as discourage them from summoning the courage to report violence again.

A case relayed by a KPS officer illustrated the many problems institutions encountered in safeguarding a victim’s rights and offering protection:

The victim had grievous body injuries, trauma, fear. She was very afraid about her son. She was afraid that her husband would harm him as well. Since the guy was a minor, we called the CSW. They asked us to pick them up because they didn’t have transport, so we went and took the social worker (but you know it is not a KPS task. We can’t serve as a transportation institution for other institutions. We have a lack of cars as well). After the CSW took the child, they gave the parental right to the abuser. Before this decision, we gave the CSW and the court the victim’s declaration where the victim said, “Me and my son have suffered constantly physical violence from my husband.” The victim advocate delayed sending the testimony of the victim to the court, as well. The court punished the abuser with only one month in prison, and he is free to decide when he wants to go there for this month. The victim has been in the shelter for three years now, and she doesn’t have any institutional support.

The officer said that victims should not be “closed’ in shelters. The law should function properly, awarding victims their share of property, and institutions should offer a reintegration program.

Although clients often requested protection orders, institutions seldom offered assistance with securing the protection order, according to Liria shelter. Current legal aid legislation in Kosovo does not foresee specifically victims of domestic violence as a category eligible for free legal counselling and representation. Legal aid is currently not available to victims but only to persons with particular social conditions.⁸⁷ The District Bureau for Juridical Help, established in January 2008 as an independent unit within the government,⁸⁸

⁸⁴ OSCE Mission in Kosovo, Victim’s Advocacy and Support Section “Report on the Centre’s for Social Work: Social Services,” February 2003.

⁸⁵ Acting Ombudsperson of Kosovo Annual Report 2006/2007 to the Kosovo Assembly, 16.

⁸⁶ KWN survey, June 2008.

⁸⁷ UNMIK Regulation 2006/36 on Legal Aid in Kosovo, Section 10.

⁸⁸ The unit reports directly to the Assembly of Kosovo, according to the Regulation on Juridical Help (2006/36). All information presented here about the unit from an interview with the Legal Officer, District Bureau for Juridical Help, June 2008, Prishtina.

is responsible for contracting lawyers especially from the Lawyers Chamber of Kosovo to provide free legal assistance in cases where the client receives social assistance, is unemployed, or is unable to pay.⁸⁹ Some lawyers specialize in and deal solely with domestic violence cases, and the Bureau strives to select lawyers of the same gender as the client or allows the client to choose the lawyer of her or his preference.⁹⁰ As of June 2008, the Bureau had assisted 122 cases, 25 of which were related to domestic violence. Officers from the Bureau also provide information about judicial procedures and counsel clients regarding legal rights.⁹¹ Representatives said the Bureau has “good cooperation” with courts and cases with the Bureau’s logo receive priority attention. However, since the Bureau is new, citizens and even institutions may not be familiar with its work.

The closure of shelters due to a lack of finances has placed women and children victims at risk of further violence, as this case described by a VA illustrates:

“A year ago I had to deal with a case of five children who were abandoned by their parents. Their mother left them to start work as a singer in a bar. Their father went to Ulqin to try to find a job. Since he couldn’t find a job, he came back and all of his anger he used against his children. He beats his older daughter who is only 12 years old and the youngest was only two years old. Neighbours called the police and told us about the case. We called the CSW and then we sheltered them at Hope and Homes [children’s shelter] in Prizren, but now they closed that shelter and we don’t have a place to send children.”

Kosovo applicable law also foresees that the Victims’ Advocacy and Assistance Division (VAAD) safeguards victims’ rights, especially victims of domestic and gender-based violence.⁹² Victim Advocates (VAs) are supposed to play an active role in representing the interests of victims and advising victims of their rights. VAs are responsible for collecting pertinent information and preparing documentation related to cases. However, in offering support during cases of trafficking and sexual violence, including domestic violence, VAs are either rarely present for cases of juveniles or when present have played a very passive role.⁹³ A VA said that the “main obstacle” was insufficient resources for transportation, food, and clothes for cases.⁹⁴ VAs reported having to use money from their “own pocket” to cover victims’ basic needs.⁹⁵ Some VAs lack knowledge in identifying signs of domestic violence. A VA told KWN interviewers, “We have a case of a 13-year-old girl complaining that a man about 60 abused her sexually, but we still don’t know exactly the real story because it might have happened that the girl did that [had sexual intercourse] according to

⁸⁹ For these cases, lawyers are paid by the Commission for Juridical Help.

⁹⁰ At present, the Bureau has 50 lawyers based in Prishtina, but covering cases throughout Kosovo. There is a shortage of prosecutors, as only one prosecutor deals with all marriage and divorce cases for Prishtina.

⁹¹ While the Bureau is obliged to collaborate with all relevant governmental and non-governmental bodies according to the Regulation on Juridical Help, a representative said that their heavy caseload hinders regular consultations with Victim Advocates.

⁹² See UNMIK Regulation 2003/26 of the Kosovo Provisional Criminal Procedure Code, Articles 81 and 82.

⁹³ See KWN, *Exploratory Research*, and Department of Human Rights and Rule of Law of the OSCE Mission in Kosovo, “A review of the Criminal Justice System in Kosovo, 1 September 2000-28 February 2001,” Section 6 and 7 on the Rights of Victims I and II, Sexual Violence and Intra-Familial Violence.

⁹⁴ VA in Mitrovica, KWN Survey, 2008.

⁹⁵ VA in Ferizaj, KWN Survey, 2008.

her own will.”⁹⁶ Clearly the VA lacked knowledge regarding the illegality of sexual abuse involving minors. This indicates the need for further training and continuous review of Vas’ job performance by the Ministry of Justice.⁹⁷

Another important component in offering institutional protection to victims is access to free medical care and information. In order to respond sensitively to cases of domestic violence the Ministry of Health and Prishtina Medical School introduced a component on “Violence Against Women: Sexual and Gender Based Violence” into their Reproductive Health Module of the Residency Programme for family doctors and nurses.⁹⁸ Studies have shown that female health professionals can utilize their skills and experiences effectively in improving community health.⁹⁹ In Kosovo there are more women than men providing health services.¹⁰⁰ However, health providers can be stigmatising or have the same prejudices as the population at large. Research has shown that medical personnel often come across cases of domestic abuse with visible injuries.¹⁰¹ Worryingly, more than 50 percent of the doctors that came across such cases did not refer nor report the cases, despite their legal obligation to do so.¹⁰² None of the health centres (private or public) had documented any of the domestic violence cases they came across. The extent to which these centres refer cases to appropriate mechanisms remains under-researched. Although there seems to be a general will by medical personnel to help victims on an individual basis,¹⁰³ an institutionalised response in identifying and properly referring domestic abuse is needed. Special care and specific protocols are especially necessary for treating victims of sexual violence.¹⁰⁴

One of the most serious obstacles to protecting victims of violence or persons who report domestic violence cases is a lack of financial support from the government. No official witness protection system exists for witnesses or victims of violent crimes committed in domestic relationships. The only government-run shelter, the Interim Security Facility (ISF), deals only with “high-risk” cases that are usually related to trafficking or politically important (e.g., inter-ethnic violence). The level of risk is decided by KPS prior to bringing the victim to the shelter. At present, adult victims and their children considered low or medium risk are taken to one of six non-governmental shelters located in Prishtina, Gjilan, Mitrovica, Gjakova, Peja, or Prizren. Children are taken to Hope and Homes for Children, a recently localized non-governmental shelter located in Prishtina; its other

⁹⁶ See KWN, *Exploratory Research*.

⁹⁷ See KWN, *Exploratory Research*, and OSCE Mission in Kosovo, “Assessment Report on the Referral Mechanisms to Identify and Assist Victims of Trafficking,” Section on Victim Advocates.

⁹⁸ UNFPA, “A Case Study of Gender-Based Violence in Kosovo,” (2004), 13.

⁹⁹ See Government of Portugal.

¹⁰⁰ UNFPA, “A Case Study of Gender-Based Violence in Kosovo,” 19. See also KWN, *Exploratory Research*.

¹⁰¹ KWN has shown that out of 37 gynaecologists interviewed 13 saw between 819 and 1,372 cases of domestic violence during their practice. Out of 37 gynaecologists interviewed, only five had never seen a woman who had experienced domestic violence (*Exploratory Research*).

¹⁰² The Provisional Criminal Code makes it a criminal offence if an official or a responsible person fails to report a criminal offence discovered during the exercise of their duty, if such an offence is punishable by imprisonment of at least three years and should be prosecuted *ex officio*, see Art. 304 (2). The Kosovo Criminal Code makes light and grave bodily injury in a domestic relationship a punishable crime that needs to be prosecuted *ex officio*. The Criminal Code foresees that the perpetrator of light bodily injury may receive minimum six months and maximum three years imprisonment whilst for grave bodily harm sentences range from one to five years imprisonment.

¹⁰³ See KWN, *Exploratory Research*.

¹⁰⁴ Medica Kosova, KWN survey, 2008.

location in Prizren was forced to close in December 2007 due to a lack of funds.¹⁰⁵ Kosovo applicable law allows for social service provision to be offered by non-governmental organisations (NGOs) if licensed by MLSW.¹⁰⁶ All shelters provide safe housing, food, clothes, toiletries, basic healthcare, counselling, legal advice, skills training, awareness-raising on various topics, and educational opportunities.¹⁰⁷ Some help clients secure employment upon leaving the shelter. NGO shelters have also raised awareness about domestic violence in their communities as well as filled gaps unmet by institutions.¹⁰⁸ As of 2007, shelters assisting victims of domestic and other forms of gender-based violence had housed more than 2,491 clients in need of social protection.¹⁰⁹

As most shelters were established immediately after the war and in response to an urgent need to protect victims from further violence,¹¹⁰ minimal time has been available for furthering their institutional capacity. Shelter staff members have attended numerous one to five-day training seminars provided by international organizations on broader topics like identifying domestic violence, assisting victims, advocacy, case management, and trafficking, among other topics. However, few shelter staff have completed degrees in psychology or counselling and therefore lack adequate knowledge regarding appropriate, sensitive ways of approaching and assisting victims of violence or trauma.¹¹¹ A few counsellors, like some representatives of institutions, tended to “blame the victim.”¹¹² For example, a counsellor said, “Women talk too much, control their husbands, and in this way they influence their husbands to be violent toward them.” Shelter counselors, like civil servants dealing with domestic violence, clearly need additional professional qualifications in counselling, as well as permanent supervision from trained, experienced psychologists or psychiatrists so as to avoid re-traumatizing victims.¹¹³

Although the government, including KPS, VAs and CSWs, relies heavily on the services shelters provide to victims and their children, all shelters have struggled financially. Due to a lack of funding for basic operational costs, some shelters have closed periodically, leaving victims including children unprotected and in one instance sleeping at the local police station.¹¹⁴ In 2005, MLSW started covering 50 percent of the shelters’ expenses. However, MLSW would not support pertinent costs like staff and operations (e.g., rent, electricity, water, and phone). Further, no long-term agreement makes clear that MLSW will

¹⁰⁵ No particular shelters exist for men or for persons with disabilities. Only the latter can be housed in the existing shelters. A few respondents recommended that such shelters be established (KWN survey, 2008).

¹⁰⁶ UNMIK Regulation 2005/46 on the Promulgation of Kosovo Assembly Law on Social and Family Services No. 02/I-17, Art. 8 on the Role of the Non-Government Sector states that NGOs may be contracted by the Department of Social Services (DSW) to offer Social and Family Services for persons in need (i.e. victims of domestic violence). Art. 2.2 states that the DSW should guide and advise the non-governmental sector.

¹⁰⁷ For more information about the shelters, their functioning, and cooperation with institutions, see KWN, *Exploratory Research*, 60-64.

¹⁰⁸ UNFPA, “A Case Study of Gender-Based Violence in Kosovo,” (2005), 19.

¹⁰⁹ See OSCE Mission in Kosovo Assessment Report on Establishing the Kosovo Referral Mechanism for victims of trafficking in human beings, October 2007, section on Protection of Victims of Trafficking.

¹¹⁰ Only the Centre for Protection of Women in Children (CPWC) sheltered women and children before the war.

¹¹¹ KWN, *Exploratory Research*, 61.

¹¹² Ibid. William Ryan coined the term “blaming the victim” in his description of educational theories that blame low income minority families in the U.S. for lacking the “cultural capital” to do well at school (*Blaming the Victim*, Vintage Books, 1976).

¹¹³ KWN provided clear, detailed recommendations for shelters in its prior report (*Exploratory Research*, 61 and 69). The KWN shelters needs assessment contains further recommendations (internal document, 2007).

¹¹⁴ KWN, *Exploratory Research*, 63.

cover shelter expenses beyond 2008.¹¹⁵ Government representatives have argued that covering fully the expenses of NGOs would mean practically that NGOs would become governmental institutions.¹¹⁶ However, the Law on Social and Family Services foresees the process of licensing NGOs as service providers and does not state that funding of shelter services offered by NGOs should be partial. NGOs should be contracted for the services they provide and monitored by MLSW as their donor. The absence of a governmental witness protection system and the number of victims assisted by shelters to date illustrates the need for continuous governmental financial support to NGO shelters.

Police officers, VAs, and SSOs also reported funding shortages that impacted the quality of assistance offered to victims. CSWs especially consistently lack adequate budget for carrying out their responsibilities.¹¹⁷ A SSO commented:

The CSW now is in a very critical position. We don't have money for example for phone cards. [W]hen it comes to travelling we don't have vehicles to go to a place, so we have to wait until KPS has time to come pick us up and take us. We lack basic needs, which inhibits us from doing our work as we should. These things have to change.¹¹⁸

CSWs must carry out monitoring responsibilities, especially regular visits to families where violence has occurred. However, partially due to the lack of finances, CSWs also struggled to monitor households where violence was reported previously or where victims returned after shelter stays. Social workers also said they had inadequate protection for home visits, and that there was a general lack of social protection for victims during the rehabilitation and family integration phase.¹¹⁹ SSOs called for better working conditions, better protection during family visits, better salaries, and transportation in order to carry out their duties.¹²⁰

The overall coordination among bodies responsible for treating victims and for following cases until they do not require further treatment has also faced challenges.¹²¹ For example, a KPS officer said that courts often fail to inform police after providing victims with a protection order.¹²² An unclear division of roles for each institution has sometimes meant overlap, for example, in interviewing clients, documenting cases, and maintaining records. The lack of clarity has also resulted in gaps regarding which institution should take the lead in offering legal aid, defence, and protection.¹²³ In clarifying the roles and responsibilities of various institutions to protect victims of domestic violence, the Kosovo Ombudsperson Institution and UNDP organised a Roundtable on Domestic Violence in November 2006. During the discussion, service providers observed a lack of central and municipal coordination structure to address domestic violence. Amongst other issues, the roundtable resulted in a recommendation to draft an Administrative Instruction to clarify roles and

¹¹⁵ KWN, Needs Assessment of Shelters, 2007.

¹¹⁶ KWN, interview with DSW representative, 2008.

¹¹⁷ Also KWN, *Exploratory Research*, 2008.

¹¹⁸ KWN survey, 2008.

¹¹⁹ KWN survey, 2008.

¹²⁰ KWN survey, 2008.

¹²¹ One to One, KWN survey, 2008. A KPS officer and SSO also commented that there was a need for better cooperation among the institutions (KWN survey).

¹²² KWN survey, 2008

¹²³ KWN survey, 2008.

responsibilities of various agencies.¹²⁴ The service providers and other institutions present at the roundtable such as VAs, SSOs, and police agreed that a working group for assistance and protection be set up for a multi-agency response forum at the central level.¹²⁵ So far the recommendation has not been initiated by any of the institutions present.

Despite the lack of overall institutional response, institutions and organizations dealing with domestic violence have taken some initiative to clarify roles and responsibilities at the municipal level. KPS, CSWs, VAAD, and shelters have formed informal networks, which meet three to twelve times a year, depending on the group.¹²⁶ In Gjilan, Peja, and Prizren the meetings were organized by the shelters, while in Prishtina and Mitrovica the Domestic Violence Unit of KPS organized meetings. During meetings, stakeholders coordinated their efforts, further clarified roles and responsibilities, discussed ways to improve cooperation, and resolved problems. The groups have been a positive step toward improving institutional coordination.

Further, shelters began efforts to establish a Coalition against Sexual and Domestic Violence in 2007, an informal network for coordinating prevention activities and working to protect victims through a coordinated approach. The initiative involved the shelters establishing their own standards for operation, in addition to the standards they must follow in order to maintain their license as service providers from MLSW. Shelters also created a joint database for case management, tracking the demographics of cases assisted, and monitoring the impact of violence on clients' health.

1.3 Recommendations for improving institutional response for protecting victims

In conclusion, monitoring by the Ombudsperson Institution has shown that courts do not give adequate priority to cases of domestic violence.¹²⁷ An important factor in providing institutional support to victims of domestic violence is access to justice and fair treatment, including compassion and respect for dignity.¹²⁸ Victims should be offered access to mechanisms of justice and prompt redress as well as judicial and administrative mechanisms to enable them to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive, and accessible.¹²⁹ Victims should also be informed of their rights for seeking redress through these mechanisms. Domestic violence cases, especially related to protection orders, child custody, division of assets, and property ownership should receive priority attention by the courts. Opportunities should be made available for emergency review of high risk cases.¹³⁰

¹²⁴ Ombudsperson of Kosovo, Annual Report 2006/2007 to the Kosovo Assembly, 16.

¹²⁵ Ibid.

¹²⁶ In Gjilan and Gjakova, the group is called the Network against Domestic Violence while in Peja it's called the multi-agency meeting to support victims of domestic violence, and in Prizren meeting with co-operators (KWN telephone conversation with shelters, 2008). Some groups were more active than others, with the Prizren group meeting monthly, Peja quarterly, and Gjilan quarterly to bimonthly. Meetings in Prishtina and Mitrovica have occurred less frequently, and not at all since 2007. In Peja, court representatives, prosecutors, genealogists, and doctors also attend the meeting.

¹²⁷ Shelter representatives also commented that courts do not consider domestic violence cases a priority (survey by KWN, 2008).

¹²⁸ For example Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly Resolution 40/34 of 29 November 1985.

¹²⁹ Ibid.

¹³⁰ Safe House Gjakova, KWN Survey, 2008. The Ombudsperson recommended that courts give cases of domestic violence priority in order to issue protection orders in a timely manner.

Further, the Ombudsperson recommended that the Kosovo Judicial Council appoint a sufficient number of judges to deal with domestic violence cases.¹³¹ Representatives of institutions also recommended that the Ministry of Justice appoint a special, trained prosecutor to deal only with domestic violence cases in each court; increase prosecutors' salaries toward preventing corruption; monitor the functioning of the court; ensure faster review of cases; and create a department for family protection within the judicial system. In order to expedite the resolution of domestic and other disputes, standards should be developed for the number of cases a judge should solve in a month by calculating the time needed to resolve a case; mediators should be involved where possible; more judges and staff should be hired; overtime compensated; judges salaries increased; and new technologies employed.¹³² In addition, the Kosovo Judicial Institute should offer regular training for judges on domestic legislation related to domestic violence including civil and criminal sources with multi-disciplinary approaches.¹³³

Continuous training of VAs on the applicable law, gender-based violence and international human rights standards should address their current professional capacities. It is recommendable that even though VAs are foreseen as an institution under the current Criminal Law to safeguard victims' rights, legal aid legislation is amended to foresee professional legal representation of victims in courts. Legal counsellors under the legal aid project in Kosovo should work closely with the VAs in their mandate of safeguarding victims' rights. This should support the overall access to justice for victims and redress for injustices they suffered. VAs also need better salaries and security in their work, they said.¹³⁴

The law that defines social protection services for persons in need is currently not being implemented fully. MLSW as the responsible institution for its implementation has limited capacity in human and financial resources to exercise fully the law and has poorly supervised the NGOs offering assistance.¹³⁵ In order to implement fully the Kosovo Law on Social and Family Services, it is recommended that the Ministry develop procedures for licensing NGOs as well as clarify current procedures for support. For this purpose the Ministry should create a working group to clarify the provision of sustainable funding for NGOs in accordance with the Law on Family and Social Services. In close cooperation with the Ministry of Economy and Finance, MLSW could also push initiatives already started by civil society actors to establish a law governing tax deductible donations to non-profit, non-governmental organisations. A better legal environment for financial donations would facilitate shelters' and other NGOs' community fundraising efforts. Then NGOs could move beyond sole governmental funding, exploring community funding as an option when developing strategies with a mid- and long-term financial focus.¹³⁶ The strategies should include wider protection objectives with the aim of drafting reintegration and follow-up schemes for victims. A permanent budget line should be established for at least partial support to NGOs, according to the guidelines set in the Law on Social Services that allow for the state to contract independent bodies for services that the state cannot provide.

¹³¹ Ombudspersons Report. These recommendations remain to be implemented.

¹³² The Statistical Department of the Secretariat of the Judicial System in the Kosovo Judicial Council, paper given to KWN.

¹³³ Another respondent recommended opening a college on family protection issues (for example divorces, alimony, caretakers, adoption, domestic violence, parental rights for children, etc.).

¹³⁴ VA, KWN survey, 2008.

¹³⁵ See KWN, *Exploratory Research*, 2008.

¹³⁶ See KWN, *Exploratory Research*. Also recommended by VA in Peja, KWN survey, 2008.

The Ministry of Justice, Ministry of Internal Affairs, and MLSW should contract NGO shelters on a client-by-client basis to provide protection especially prior to and during case proceedings as no other witness protection system is presently in place. A standard price for sheltering each person can be determined based on the prior sheltering of clients.¹³⁷ Protection should be provided until clients are no longer at risk, mentally stable, and able to develop long-term reintegration programs together with SSOs. Other ministries should contribute to specific budget lines for assisting victims, including education and training (MEST),¹³⁸ healthcare, and professional psychological counselling (Ministry of Health). Further, the government must immediately allocate sufficient funding to CSWs and VAAD, so they can carry out their duties according to law.¹³⁹ Part of the financial burden of maintaining shelters, CSWs, and other services for victims of violence could perhaps be placed on perpetrators through fines.¹⁴⁰

In close cooperation, MLSW and shelters should also develop a long-term reintegration program for clients after their shelter stay. Current closed shelters could be used for emergency and high risk cases, while open shelters could be used for long-term reintegration programs.¹⁴¹ Clients should be given the opportunity to decide which type of shelter best meets their needs and shelters can cooperate to transfer cases to the most appropriate shelter. Each client should have a tailored reintegration plan that they help create together with shelter and SSO case managers. The plan should involve alternative living arrangements subsidized by the state in government housing for a specified amount of time, ongoing counselling by professional psychologists, job training opportunities, and assistance with securing employment. More training in vocational and other skills desirable by the present job market should be made available to victims of violence.¹⁴² CSWs and shelters should cooperate with job placement centres and local businesses to ensure employment so that clients can subsist independently. SSOs should be responsible for monitoring clients' progress as a pre-requisite for clients to receive continued financial support from the government.

In accordance with applicable law, MLSW should supervise and evaluate regularly the performance of CSW and shelter staff who are contracted for service provision.¹⁴³ In cases when staff performance is not evaluated positively, disciplinary action should be taken immediately, including the hiring and training of new staff as applicable.¹⁴⁴ All institutions working directly with clients who suffered violence, especially SSOs and shelter staff, could benefit substantially from supervision by qualified, experienced psychologists.¹⁴⁵ In this

¹³⁷ WWC has estimated the average price per month for sheltering one person at 200 euros.

¹³⁸ In addition, MEST should ensure that victims and their children have access to school. Shelters have reported discrimination in some schools against children residing at shelters (discussions with KWN). CSWs are also responsible for ensuring appropriate care for children who have been in violent family situations, including educational opportunities, adequate financial support, and healthcare.

¹³⁹ A police officer suggested creating a special budget line for victim protection, including a special budget line for the police unit dealing with domestic violence (KPS officer in Mitrovica, KWN Survey 2008).

¹⁴⁰ Another interviewee recommended securing funds for helping victims through the confiscation of tools by which penal acts were carried out. Working groups would have to discuss further how fines should be channelled, how money should be managed and by whom, specifying how such recommendations would work in practice.

¹⁴¹ KPS in Prizren, KWN survey, 2008.

¹⁴² WWC, KWN survey, 2008.

¹⁴³ See UNMIK Regulation 2001/36 on the Kosovo Civil Service on job performance evaluations.

¹⁴⁴ Recommended in KWN, *Exploratory Research*, 2008.

¹⁴⁵ SSO, KWN survey, 2008.

respect, MLSW could draw from the resources available from the University of Prishtina and/or finance scholarships abroad for youth interested in gaining advanced skills and experience with supervision, based on the contractual precondition that youth would serve MLSW for a set period after receiving qualifications. The University of Prishtina Psychology Department could support the training of future generations of qualified psychologists and psychiatrists to staff CSWs and shelters, including supervision, by establishing a doctoral program with rigorous demands for students, including extensive training by qualified professors and years of hands on experience supervised and guided by professionals.

The recommendation to create a working group on multi-agency response to assistance and protection should be considered while drafting the Kosovo Action Plan against Domestic Violence. Roles, responsibilities, and procedures for each agency assisting cases and referral mechanisms should be further clarified in detail, including government cooperation with NGOs and multi-agency response.¹⁴⁶ The proposed group could follow the good practices of the Direct Assistance Group for trafficked victims to develop policy guides for assisting victims. The group should draft and sign Standard Operating Procedures (SOPs) for assisting and protecting victims of domestic violence. The SOPs are an operative policy signed by agencies mandated by law to assist victims of domestic violence (including NGOs offering services). SOPs should provide in detail the clarification of roles and responsibilities of each agency. It would be advisable that MLSW take the lead in drafting such SOPs when assisting children in accordance to the applicable law.¹⁴⁷ Concerning other forms of domestic violence and adult victims, the lead remains with the Ministry of Justice represented by VAAD.¹⁴⁸ The group can also develop multi-agency guidelines and manuals for assistance and protection in accordance with SOPs. Afterward, agencies can use the manuals to provide multi-agency training for VAs, SSOs, police, healthcare workers, and shelter staff. Following good practices elsewhere in the world,¹⁴⁹ the SOPs could include a chapter on reintegrating victims in their communities, as well as analyzing mid- and long-term strategies for assistance programs that would empower victims. The reintegration strategy should include plans for temporary housing (community homes) and social assistance packages¹⁵⁰ in municipalities for victims not able to return home due to risks for their safety, health, and wellbeing.

KPS and CSWs should be required by law or SOPs to inform victims of all options available. Victims should be given the opportunity to choose which option they prefer, without pressure from officers. As a matter of protocol, police can be required to distribute information about where persons can receive free, confidential counselling or assistance whenever they arrive at the scene of a domestic violence call, including in cases when

¹⁴⁶ DSW, KWN survey, 2008. They recommended improving the referral system through an administrative direction or referral document.

¹⁴⁷ The Law on Social and Family Services establishes MLSW as the lead agency in coordinating social protection work in Kosovo as well as supervising the CSW mandate to protect and assist children (Article 3).

¹⁴⁸ Similarly the Ministry of Justice is the authority responsible for safeguarding the rights of victims through the Victim Advocates of the VAAD (Article 81 and 82 of the Provisional Criminal Procedure Code of Kosovo).

¹⁴⁹ See Government of Portugal.

¹⁵⁰ The type of social assistance that the social worker is required by law to provide is outlined in the Social Assistance Scheme (SAS) in Kosovo, Kosovo Assembly Law no. 2003/28. Based on Section 12 of the law, it is possible for the MLSW to make arrangements for the provision of ad hoc and immediate support to meet exceptional needs. In an emergency situation, a domestic violence case could be qualified as an exceptional need. It is the responsibility of the CSW, as a designated authority at the municipal level, to administer the provision of support for covering exceptional needs of persons in need (MLSW and OSCE).

persons at the scene deny violence occurred. KPS should have specific guidelines and procedures for evaluating the level of risk of the victim and based on that evaluation offer additional protection or take the perpetrator into custody. Additional private offices similar to those that already exist in some stations should be established in police stations for confidential interviewing of persons who suffered violence.¹⁵¹ While taking statements, police should attend to victims' emotional wellbeing.¹⁵² Victims should not be treated as suspects.¹⁵³ Victims should be interviewed by police of the same gender and in the presence of VAs.

In order to implement appropriately operative procedures, institutions such as MLSW, the Ministry of Justice, KPS, the Ministry of Health, as well as NGOs should provide on-going, mandatory, advanced multi-disciplinary training for staff on: their roles and responsibilities in accordance with applicable law and international human rights standards; domestic violence in Kosovo; social and cultural practices that may approve violent behaviours at home; recognizing symptoms of trauma; a sensitive approach to assisting victims; and gender equality in general. The trainings should be based on the available procedures and manuals for assisting domestic violence clients. Institutions can draw from the expertise of NGOs in building the capacity of the judicial system and other bodies.¹⁵⁴

The Ministry of Health should be more proactive and part of a coordinated referral mechanism to assist and protect victims of domestic violence, perhaps as part of SOPs. Health workers should be prepared and required to inform potential victims of violence about their rights and where they can seek assistance. Medical examinations should occur immediately after violence is perpetrated and should remain confidential. Reports should be unbiased, describing injuries. The Ministry should be involved in financing professional psychological counselling for victims, abusers, and their families, including those residing at shelters.

The Kosovo Action Plan against Domestic Violence should foresee funding for continual training of health personnel for both private and public ordinances under the lead of the Ministry of Health. Training should cover definitions of violence against women, the forms and scope of violence, impacts on women and girls specifically, the costs of violence, how to identify signs of violence, the needs of those involved, and appropriate responses.¹⁵⁵ Health workers in public and private ordinances should be trained in and apply psychosocial anamnesis and a psychosomatic approach when assisting clients, especially for gynaecological treatment and when treating victims of sexual violence.¹⁵⁶ Such an approach would enable health workers to identify cases of violence. Further, healthcare workers should be required to abide by higher levels of professionalism and confidentiality in treating all patients. Their performance should be monitored more closely by the Ministry of Health, and workers who breach confidentiality codes or are involved in malpractice should lose their licenses.

¹⁵¹ One to One, KPS officer and VA in Mitrovica, KWN surveys, 2008.

¹⁵² Ibid.

¹⁵³ One to One organization, KWN Survey, June 2008.

¹⁵⁴ Recommendation by Partners Kosova, as well as numerous citizens.

¹⁵⁵ See Government of Portugal.

¹⁵⁶ Medica Kosova and WWC, KWN surveys, 2008.

2. Legal and Institutional Gaps for Prosecuting Perpetrators

After describing the legal and institutional response in prosecuting perpetrators of domestic violence, this section proposes recommendations for improving response.

2.1 Legal and institutional response

Effective prosecution of perpetrators is essential when addressing criminal acts related to domestic violence.¹⁵⁷ The applicable law in Kosovo provides many avenues for prosecuting domestic violence. The Provisional Criminal Code of Kosovo (criminal code), UNMIK Regulation 2003/01 Amending the Applicable Law on Criminal Offences related to Sexual Violence (including marital rape), UNMIK Regulation 2003/12 on Protection against Domestic Violence (the Domestic Violence Regulation) and the Law on Public Peace and Order define a number of crimes and acts or omissions under which domestic violence is investigated and prosecuted. Sanctions vary based on the nature and severity of the crime, ranging from minimum three months up to 15 years imprisonment.¹⁵⁸

From a legal perspective, a number of failures have been identified in prosecuting perpetrators and offering redress to victims of domestic violence. As mentioned, Kosovo criminal law does not define domestic violence as a crime *per se*, and the definition of “domestic violence” in the Domestic Violence Regulation but not the criminal code has caused difficulties with the practical implementation of legislation. Further, confusion exists due to the numerous provisions for combating domestic violence within criminal and civil law sources.

Although criminal law provides different venues for prosecuting perpetrators of criminal offences committed in a domestic relationship, punishments for these crimes are not being administered properly in practice.¹⁵⁹ The number of sexual and domestic violence cases processed in courts when compared to the number of domestic violence cases reported and the number of sheltered victims is marginal.¹⁶⁰ According to KPS records, from 2005 to 2007, approximately 2.1 percent of the domestic violence cases recorded were dismissed without grounds and 1.3 percent were under investigation at years end.¹⁶¹

¹⁵⁷ See Government of Portugal.

¹⁵⁸ The Crimes committed in a domestic relationship under the Kosovo criminal law are listed in chapters under criminal offences against life and body; criminal offences against liberties and rights of persons; against sexual integrity; criminal offences against marriage and family; criminal offences against property and against international law. Some of the crimes when committed in a domestic relationship are: Light and Grievous Bodily Harm (Articles 153 and 154); Coercion (Article 160); Threat (Article 161); Unlawful deprivation of liberty (Article 162); Rape- Including marital rape and sexual assault (Article 193, 195); Degrading the sexual integrity of the victim (Article 196); Sexual abuse of persons with mental or emotional disorders or disabilities in a domestic relationship (Article 197); Unlawful abduction of a child (Article 210); Mistreating or abandoning a child (Article 211); Violating family obligations (Articles 212, 213); Establishing slavery, slavery-like conditions and forced labour (Article 137) and crimes against property when committed in a domestic relationship including crimes of theft, aggravated theft, misappropriation or taking in possession the movable property of the victim, damaging the movable property including fraud as well as damages caused to the person’s right to property (Articles 252, 253, 257, 258, 260, 261 of the Provisional Criminal Procedure Code of Kosovo, Regulation 2003/25).

¹⁵⁹ Shelter representatives and Council for Defence of Human Rights and Freedoms, KWN survey, 2008.

¹⁶⁰ See statistics in chapter two. See also, KWN, *Exploratory Research*, 2008.

¹⁶¹ During these three years, 3,610 cases had gone to municipal court, 69 to district court, and six to minor offence (infraction) court. Eighty-two cases were closed without grounds and 51 were under investigation. The situation appeared to be improving. While 4.2 percent of cases were dismissed without grounds in 2005, this decreased to 1.3 percent of cases in 2006 and only 0.6 percent of cases in 2007. From the cases that went to

Further, there are no reports of automatic prosecutions of the crime of light bodily injury committed in a domestic relationship or of violations of protection orders as foreseen by the applicable law.¹⁶² Presently, light bodily injuries tend not to be considered seriously or according to procedure by the court; therefore perpetrators are rarely punished.¹⁶³ In the OSCE Report, police claimed that the failure to prosecute was because sometimes parties reconcile or the public prosecutor brings no charges.¹⁶⁴ As Liria shelter explained, during the 72 hours that police take suspects of domestic violence into custody, they ask victims whether they want to press charges. Women rarely press charges, men are released, and violence repeats itself, shelter representatives said.

“A woman called the police, saying that her husband had beaten her. They went to the police station and there the husband said that he beats her because he wants to beat her. After this they got back together again.”

--Albanian woman, age 36-45, Gjakova

However, applicable law *does not* allow for the prosecution to withdraw from prosecution or investigation.¹⁶⁵ In cases of light or grievous bodily injuries (i.e. when violence is physically visible) or when a previous protection order has existed, prosecution should be automatic. If perpetrators commit a crime, women should not even be asked whether they want to press charges; the perpetrator should be prosecuted immediately.¹⁶⁶

In recent cases monitored by OSCE, prosecutors at municipal courts in Peja and Leposaviq have tended not to take up *ex officio* prosecutions of the crime of physical harm when committed in a domestic relationship. For example:

[In] a case before the Pejë/Peć authorities, in February 2007 the police provided the prosecution with a case file related to domestic violence incidents where a female victim sustained noticeable bodily injuries. The public prosecutor’s office could not locate the case in its registry. Consequently, a prosecutor never investigated or prosecuted a likely crime. Rather, the Municipal Court issued a protection order against the husband.¹⁶⁷

And:

[In] a case from 2004 handled by the Leposavić/Leposaviq authorities, involving domestic violence that resulted in visible injuries on the wife’s face, the police case

court for which survey respondents knew the outcome of the case, only one-third of the perpetrators were punished.

¹⁶² OSCE and Ombudspersons *Ex Officio* Report.

¹⁶³ VA in Prizren, KWN survey, 2008.

¹⁶⁴ An Albanian man age 26-35 from Gjakova municipality said families sometimes hide perpetrators. A young woman from Peja knew a woman who experienced physical violence, but her family would not allow her to tell police who was abusing her.

¹⁶⁵ Article 226 of the Kosovo Provisional Criminal Procedure Code (KPCPC) explicitly states that the public prosecutor cannot suspend investigations for crimes committed in a domestic relationship. Further, the crime of light bodily harm foresees imprisonment from six months to three years well beyond the limit of one year as requested by Article 227 of the KPCPC to withdraw from prosecution (quoted in OSCE Report on Domestic Violence Cases in Kosovo, July 2007), 18.

¹⁶⁶ Liria representatives, KWN survey, 2008.

¹⁶⁷ OSCE Report on Domestic Violence Cases in Kosovo.

file was sent to the prosecution. Again, the prosecution never initiated an investigation, as the case does not appear in the registry of the prosecution.

The above examples illustrate the prosecution's lack of readiness to treat crimes committed in a domestic relationship, even in cases of visible physical injuries similar to crimes committed outside a domestic relationship. In another case, in Mitrovica Municipal Court the public prosecutor did not investigate a police report of a father allegedly beating his child with a stick. The prosecutor did not prosecute the alleged perpetrator as the file submitted was not completed by police, lacking the medical report that could have indicated bodily injuries. Although police did not provide sufficient evidence, the prosecution should have exercised their duty to investigate the case.¹⁶⁸ A KPS officer commented that prosecutors and judges often ignored KPS reports in domestic violence cases, as well.¹⁶⁹

Corruption within the justice system has been blamed for inadequate punishment of perpetrators. A respondent said perpetrators sometimes paid judges to reduce their sentences or not sentence them at all. Other perpetrators were let off because of political connections or prominent relatives.¹⁷⁰ For example, a police officer reported a judge allowing a perpetrator to finish his jail sentence whenever he wanted.¹⁷¹ The justice system needs to improve its "transparency" and "reliability" to build trust with citizens, a shelter representative said.

In addition, inappropriate classification of crimes related to gender-based violence has been observed in courts when cases are prosecuted *ex officio*. These cases have resulted in lenient sentences for perpetrators.¹⁷² Numerous respondents to the KWN survey described cases they knew where perpetrators were released with light or no sentences. As a result, violence often continued to occur.¹⁷³ For example, an Albanian man from Gjakova municipality said he knew a case where the "husband was imprisoned for 30 days, but violence continued after he was released from jail because the punishment was very light." Appropriate investigation and prosecution in accordance with punishments foreseen by the applicable law can be instrumental in reducing violence by showing that violence against more vulnerable groups is a human rights issue and not a private family affair.¹⁷⁴ "The court

¹⁶⁸ Article 226 of the Kosovo Provisional Criminal Procedure Code (KPCPC) explicitly states that the public prosecutor cannot suspend investigations for crimes committed in a domestic relationship. The crime of light bodily harm foresees imprisonment from six months to three years, well beyond the limit of one year as requested by Article 227 of the KPCPC to withdraw from prosecution (quoted in OSCE Report on Domestic Violence Cases in Kosovo, July 2007), 18.

¹⁶⁹ KPS officer in Prizren, KWN survey, 2008.

¹⁷⁰ WWC, KWN survey, 2008.

¹⁷¹ See the box in the section on protection.

¹⁷² See the OSCE Anti-Trafficking Unit Assessment Report on Establishing Referral Mechanisms for identifying and assisting victims of trafficking (2007) on prosecution of gender-based violence crimes. A KPS officer in Mitrovica also said that the court does not proscribe strict punishment in domestic violence cases (KWN survey).

¹⁷³ KWN surveys. Another respondent told of a case where a man who used violence against his wife was arrested by police. He was released, returned home, and forced his wife to live with him.

¹⁷⁴ Department of Human Rights and Rule of Law of the OSCE Mission in Kosovo, "A review of the Criminal Justice System in Kosovo, 1 September 2000-28 February 2001," Section 6 and 7 on the Rights of Victims I and II, Sexual Violence and Intra-Familial Violence.

should apply the law, to punish abusers according to their penal acts ... The law should not forgive,” a KPS officer commented. “Acts should be judged rightly and strictly.”¹⁷⁵

2.2 Recommendations for improved institutional response to prosecution

The government should lead a legislative review working group to address the removal of current difficulties and unclear sections of legislation or aspects of the law that are inconsistent with the focus of domestic violence as a crime. Amending criminal law to incorporate the definition of domestic violence acts or omissions in compliance with the Domestic Violence Regulation definition¹⁷⁶ should also be considered during the legislative review.¹⁷⁷ Regular reporting on the handling of domestic violence cases in courts should be made an obligation of the proposed Office of the National Rapporteur on Domestic Violence (see section 4.1 below). Decisions regarding the division of property and alimony also should be defined clearly by law and decided in court according to applicable law.¹⁷⁸

The government should establish a training program for court personnel that involves learning opportunities inside and outside the country, drawing from examples of good practices in other countries to further develop and implement law.¹⁷⁹ The justice system can then improve the quality of its services by hiring new personnel educated in countries with more experienced and advanced judicial systems. Staff working in the justice system should strive to apply new knowledge learned from training, especially related to organizational management and judicial administration. They especially need to improve communication between all levels of this hierarchical system, as well as with citizens. Training programs could teach personnel communication skills, especially for communicating with citizens. NGOs specialized in capacity-building can also offer training based on experience and practices used in countries with more advanced judicial systems. As part of recruitment practices, hiring committees should strive to improve the gender balance among judges, prosecutors and other important positions.

3. Legal and Institutional Gaps for Preventing Domestic Violence

This section first examines the legal and institutional response to preventing domestic violence. Second, it discusses how information and awareness-raising can serve to prevent future violence. Since few initiatives have been taken on behalf of institutions to prevent domestic violence, the section involves more recommendations than analysis.

3.1 Legal and institutional response to preventing domestic violence in Kosovo

Implementing existing law can serve to deter citizens from perpetrating violence in the future and thus be a mechanism used for preventing violence. If perpetrators and potential perpetrators were aware that violence will be punished according to law, they may be less likely to perpetrate violence.¹⁸⁰ Some citizens, VAs, and KPS officers also suggested that

¹⁷⁵ KPS officer in Mitrovica, KWN survey, 2008.

¹⁷⁶ UNMIK Regulation 2003/12 on Protection Against Domestic Violence, Section 1.

¹⁷⁷ KPS representatives also recommended making domestic violence a specific criminal act within the Criminal Code (KWN survey).

¹⁷⁸ SSOs in Ferizaj and KPS officer in Peja (KWN surveys 2008). Property is documented usually in the name of the husband, and he rarely loses ownership (Medica Kosova, KWN survey, 2008).

¹⁷⁹ All recommendations in this paragraph made by Partners Kosova, KWN survey, June 2008.

¹⁸⁰ KPS officers and numerous citizens commented that implementing the Criminal Code and punishing perpetrators would prevent future violence (KWN survey, 2008). By patrolling neighbourhoods where

criminal law carry higher sentences for violence committed within the family toward prevention.¹⁸¹

Another popular idea for preventing domestic violence, endorsed by professionals dealing with domestic violence and citizens alike, was creating a rehabilitation program for perpetrators of violence. Kosovo suffers significant shortages in programs or counselling centres for male abusers.¹⁸² As Hope and Homes for Children commented, "It is very necessary to have counselling centres for perpetrators since in some cases perpetrators themselves were at some time in their life victims of domestic violence or other trauma."¹⁸³ Institutions could cooperate in developing programs at the community level, perhaps through existing CSWs, to support male and other recidivist abusers as well as seek ways to create community support groups or peer-to-peer self-help groups for perpetrators of domestic violence.¹⁸⁴ Another recommendation was creating shelters for abusers, so that they would be removed from their homes and receive psychological support instead of the presently common practice of placing women and children victims in shelters. Such programs would prevent future violence by addressing the root causes of violence, such as trauma, substance abuse, or depression among abusers. They could be especially beneficial for persons who carried out violence while under the influence of alcohol or drugs.¹⁸⁵ Programs may also contribute to more successful long-term reintegration programs and support case monitoring. An article could be added to the Law on Social Services or the Criminal Code for the mandatory treatment and rehabilitation of perpetrators of violence, including professional counselling.¹⁸⁶ Then the Ministry of Justice could require both abusers and their families to receive psychological treatment according to their needs. Mandatory weekly or monthly counselling sessions for perpetrators should be led by trained psychologists. The Ministry of Health could cooperate with other actors by offering professionals for programs treating alcoholism, narcotics, and psychopathological cases.¹⁸⁷

Similarly, considering findings that violence can be more prone to occur following substance abuse or trauma, the Ministry of Health should install rehabilitation centres for persons consuming alcohol, addicted to narcotics, and/or suffering from trauma. The provision of confidential counselling by non-governmental groups may be more welcomed by survivors of trauma and potential perpetrators than seeking assistance from public rehabilitation centres. Therefore, the Ministry could contract and/or financially support NGOs specializing in treating trauma and stress that have trained, experienced professionals providing quality services like Medica Kosova, the Kosova Rehabilitation Centre for Torture

perpetrators were released after short stays in prison and making their presence known, KPS may also contribute to preventing violence.

¹⁸¹ VA in Ferizaj, KWN survey, 2008.

¹⁸² OSCE Mission in Kosovo, Report on the Centres for Social Work: Social Services, (February 2003). Also, WWC, KWN survey, 2008.

¹⁸³ Hope and Homes for Children, KWN survey, 2008. Another shelter representative commented that jail alone could have a "counter-impact" and that counselling may be preferable in certain cases.

¹⁸⁴ The government could encourage donors to support scholarships for study trips to learn from successful programs elsewhere. In designing such programs, the government could draw from examples of successful programs (see, for example, "Summary of the Final Report on the Violence Against Women Symposium," IQALUIT, Nunavut, January 18-20, 2006, 4, http://www.qnsw.ca/women_violence/documents/SymposiumExecSummaryENG.pdf).

¹⁸⁵ KPS officer in Peja (KWN survey, 2008).

¹⁸⁶ The proposed Legislative Review Working Group can discuss from a practical point of view how best to implement this. The group could also examine the practicalities to parole and its functioning in Kosovo.

¹⁸⁷ Safe House Gjakova, KWN survey, 2008.

Victims, and One to One. The Ministry and CSWs could draw from the resources available at the University of Prishtina psychology department, which requires students to fulfil practical hours, often voluntarily. While students are not qualified to provide treatment, they can contribute to the often time-consuming organizational aspects of such programs. At the same time, through their involvement they could learn from more experienced counselors, which would contribute to a future generation of counselors for treating such cases and running similar programs.

Institutions in cooperation with private clinics and NGOs could also prevent violence by offering family and marital counselling. Numerous citizens emphasized the need for affordable, professional counselling services at the municipal level, especially near rural areas. While many respondents suggested establishing counselling centres, the government could use existing structures like CSWs.¹⁸⁸ Trained, qualified psychologists could have private offices at CSWs where they could provide marriage and family counselling. Counselors should use psychosocial anamnesis to identify causes of violence and assist with the recovery process for perpetrators.¹⁸⁹

Another way the government could help prevent domestic violence is by ensuring that all citizens have access to higher levels of education. According to law, Kosovar citizens are obliged to attend nine years of primary school education.¹⁹⁰ The Ministry of Education, Sport, and Technology (MEST) has the responsibility to ensure that this law is implemented. Social assistance and/or education scholarships should be available to women, the poor, RAE, persons with special needs, and other vulnerable groups in order to increase their level of education, thereby increasing the possibility for them to secure jobs and decreasing the likeliness that they will become victims of violence. Further, school curriculum should involve topics related to domestic and other forms of gender-based violence.¹⁹¹

Considering that low income families and families receiving social assistance are at higher risk of violence, MLSW could also prevent violence by increasing the amount of monthly social assistance provided to families in need. Further, the Ministry of Economy and Finance urgently needs to encourage investment in job creation toward decreasing unemployment and improving people's basic living conditions. Persons at risk of violence, including those who are economically dependent, women, youth, and people with disabilities should be targeted with training in new skills desirable by the developing job market in Kosovo. Tax incentives and special loan programs could be used to encourage employers to hire persons from at risk groups.

3.2 Information and awareness-raising as a tool for preventing domestic violence

Although NGOs have led numerous information campaigns about domestic violence,¹⁹² citizens still lack knowledge about existing law, their rights, and services available to

¹⁸⁸ SSO, Mitrovica, KWN Survey, 2008.

¹⁸⁹ Medica Kosova, KWN Survey, 2008.

¹⁹⁰ Law on primary and secondary education in Kosovo No.2002/2, Section 7 on Compulsory Education.

¹⁹¹ A review of the present curriculum should be conducted from this perspective and recommendations should then be made for including topics such as what is family violence, what does it include, and what to do if a family member violates you.

¹⁹² For example, KWN, WWC in Peja, Liria in Gjilan, Safe House Gjakova, CPWC, and Motrat Qiriazhi have all led awareness-raising campaigns about domestic violence. WWC has an annual white ribbon day campaign (symbolizing men against violence against women) that involves men and women from the community in cutting and distributing white ribbons, as well as a march through Peja to raise awareness about domestic violence.

them.¹⁹³ In their work, representatives of Partners Kosova said clients often complained that they lacked information about existing law and legislation related to domestic violence, how legislation is executed, and to whom they should direct complaints when their rights were violated.¹⁹⁴ The Kosovo government has provided limited support for awareness-raising campaigns that inform the general population and victims regarding the effects of violence, currently available services, and referral procedures for assisting victims of domestic violence.¹⁹⁵ Most campaigns have been ad hoc, without a targeted audience or particular message.

In order to prevent future domestic violence, the government and relevant institutions should support technically and/or financially awareness-raising campaigns to educate citizens about existing laws and legislation related to domestic violence, how they can use these laws, which institutions execute laws, and how citizens can approach these institutions.¹⁹⁶ Future campaigns should avoid abstract terms like “domestic violence” and “gender equality”, instead clarifying such terms in simple language. For example, “domestic violence” should be explained according to the concrete acts citizens are protected against according to law. Citizens should also be informed regarding the definition of “domestic relationship” (i.e., who could perpetrate such acts), as defined by law.¹⁹⁷ Campaigns should dispel social myths about violence against women in particular. In designing and implementing education campaigns, the government should draw from NGO expertise. Institutions can contract NGOs to lead awareness-raising efforts based on their experience, connections with the target group, and track record organizing prior campaigns. Information should be coordinated under the lead of the Kosovo authorities. For example, Kosovar institutions could encourage international donors to fund only awareness-campaigns identified in the National Action Plan against Domestic Violence and organized with a message and target group agreed upon by the steering group responsible for overseeing the plan’s implementation. Campaigns should be culturally sensitive and tailored to a local audience, as opposed to being imported from outside Kosovo.¹⁹⁸ Awareness-raising should necessarily involve local or national media.¹⁹⁹ The dissemination of information should use a range of media accessible to persons with disabilities and those speaking minority languages.²⁰⁰ Increasing awareness about the present Domestic Violence Regulation or a new law replacing it, National Action Plan, what violence entails, and punishments for abusers may deter perpetrators from using violence.

In order to familiarize citizens with relevant institutions and the services they offer, as well as build trust, institutional representatives at the municipal level can be involved directly in awareness-raising efforts. The already-existent informal groups formed by institutions and shelters working on domestic violence at the municipal level could work together for a community service series or annual month against domestic violence, during which each institution would lead public discussions and lectures in schools, pensioners associations, youth groups, neighbourhoods, and public spaces about the services each

¹⁹³ See chapter one.

¹⁹⁴ Partners Kosova, KWN Survey, 2008. Citizens also doubted that the authorities would execute existing law.

¹⁹⁵ OSCE, Assessment Report on the Establishment of Referral Mechanisms for Victims of Trafficking in Human Beings, October 2007. Section on Social Inclusion of victims including victims of gender-based violence.

¹⁹⁶ Recommendation by numerous citizens, Partners Kosovo, CDHRF, VAs, and SSOs (KWN survey, 2008).

¹⁹⁷ VA in Ferizaj, KWN Survey, 2008.

¹⁹⁸ Recommendation made by a KPS officer (KWN survey, 2008)

¹⁹⁹ WWC and citizens (KWN survey, 2008).

²⁰⁰ See Government of Portugal.

institution offers citizens. For example, KPS could build upon its existing community policing efforts to lead lectures and public debates in the community.²⁰¹ Importantly, representatives of institutions should also visit people in rural areas who comprise the majority of the population and are among the groups most at risk of violence, but who are often neglected by institutions and outreach efforts.²⁰²

Ministries should divide funding on an annual basis in order to respond to the needs of victims for information and assistance by drafting and disseminating regularly pamphlets with easy to understand language and information about where citizens can seek assistance. All institutions, including especially police stations, health centres, CSWs, VAs, NGOs, and courts can distribute leaflets. Police, for example, can make such leaflets available when they arrive at the scene of a domestic violence call. Healthcare workers, especially in emergency rooms, should be trained to identify cases of domestic violence and to provide information about assistance available.

The Kosovo authorities should also develop an effective information service with a consistently functioning, free of charge, 24-hour available helpline that persons, friends, or family members of persons experiencing violence can call for confidential counselling, assistance, and referral. Most help lines in Kosovo are run by NGO shelters for victims of domestic violence, which have limited governmental funding.²⁰³ They function with irregularity or only in particular regions.²⁰⁴ KPS and VAAD also have help lines. However, police response to domestic violence calls, like their response to other emergency calls, is often slow.²⁰⁵ The VAAD hotline is generally dysfunctional and rarely answered.²⁰⁶ The helpline run by psychology students at the University of Prishtina has unfortunately ceased functioning due to a lack of funding.²⁰⁷ Helpline staff have also lacked knowledge regarding the services available to victims and current referral procedures in Kosovo.

Therefore, the government should ensure constant funding for and functioning of a 24-hour S.O.S. phone line staffed by trained professionals with rotating shifts. The authorities should make available an additional budget for training helpline staff to offer information on current services and referrals. The helpline should be well advertised throughout Kosovo. An agreement should be made with Post-Telekomi Kosovës for the number to be toll free for callers. Helpline counselors should provide information about services available to persons experiencing violence, as well as contact information for the nearest institutions or organizations where callers can seek assistance. All calls should be registered in a database without identifiers (e.g. names, phone numbers, or addresses) in order to track the number of calls made to the hotline, services provided, and other statistical information.²⁰⁸ Counselors answering the hotline should be supplied with

²⁰¹ Institutional representatives said it was feasible for institutions to be involved in such prevention efforts (KWN survey). One to One recommended KPS hire trained people with experience who would also be more involved in community outreach (KWN survey, 2008).

²⁰² See chapter two.

²⁰³ KWN, *Exploratory Research* and KWN "Needs Assessment of Shelters," Internal Report (2007).

²⁰⁴ All shelters have numbers people can call 24-hours for assistance. When KWN called the VA hotline on more than five occasions in fall 2007 and mid-2008, no one answered.

²⁰⁵ See KWN, *Exploratory Research*.

²⁰⁶ See KWN quotations from case studies of sheltered women with children (*Exploratory Research*).

²⁰⁷ See KWN, *Exploratory Research*, and OSCE Mission in Kosovo Assessment Report on the Establishment of Referral Mechanisms for Victims of Trafficking in Human Beings, October 2007.

²⁰⁸ In order to track repeat callers and the number of cases, a question asked by counselors could be "have you ever called this hotline before? If yes, when?" However, questions should only be posed if the respondent is safe and psychologically stable for answering questions.

standardized forms for documenting basic information about calls and callers, such as sex, municipality, age, and ethnicity. The information can be used later to justify continued funding of the hotline as per the amount of use it receives as well as to monitor demographic groups experiencing violence that may not necessarily report it. Help lines as information and support services may put institutions closer to victims and increase the reporting of violence.

4. Enhancing Overall Government Response to Domestic Violence

The Government of Kosovo can address the aforementioned recommendations for prevention, protection, and prosecution through the establishment of a guided, coordinated, and multidisciplinary response to domestic violence. First, the Government of Kosovo should take the lead in setting up a national advisory body of governmental and non-governmental experts to address the enforceability of legislation and protection of victims of domestic violence. The body should take into account discriminatory practices that may hamper victims' enjoyment of rights foreseen by law. The national advisory body should advise the Kosovo Agency for Gender Equality on policy and developments related to domestic violence legislation, policies, and their effective implementation. The body should take into account the characteristics of domestic violence and profiles of victims in Kosovo (i.e. children, women, elderly, and persons with disabilities),²⁰⁹ toward more informed and effective governmental action plans and policies. In order to secure the highest political support, the Agency for Gender Equality should aim for the group to be placed under the responsibility of the Prime Minister. The group should consist of senior professionals with decision-making authorities and experts in the fields of domestic violence.

Under the lead of the Agency for Gender Equality, this body should be involved in immediately drafting a National Action Plan against Domestic Violence.²¹⁰ The Action Plan should enhance assistance and protection for victims of domestic violence, ensure justice for crimes, as well as address root causes of violence such as discriminatory and traditional practices. The plan should do this by aiming at effective Prevention, Protection and Prosecution and a crosscutting foundation of coordination and cooperation at the highest governmental level. The plan should involve a clear breakdown of objectives, activities, timelines, and budget implications for the Kosovo Consolidated Budget as well as potential donors. Representatives of institutions also suggested establishing a special fund for the National Action Plan from which institutions protecting victims could draw resources (e.g., CSWs, VAAD, and KPS).²¹¹ The budget lines should be prioritized so that most urgent costs are met first.

The Plan should be based on the findings and recommendations made available by research on domestic violence in Kosovo, including this report as the most recent and comprehensive analysis of domestic violence in Kosovo. Although the Plan will seek to

²⁰⁹ Further, they should also encourage scholarly research on domestic violence in Kosovo by public and private universities to train objective researchers, support empirical research, and guide informed interventions.

²¹⁰ Municipal Gender Officers could be given specific responsibilities in the National Action Plan.

²¹¹ Representatives of institutions surveyed by KWN recommended that the following bodies finance the implementation of the National Action Plan: MLSW/DSW/CSW, Ministry of Justice, Ministry of Health, Ministry of Internal Affairs/KPS, MEST (especially education for victims), Ministry of Finance, Ministry of culture, youth, sports and non-resident issues, Ministry of Local Administration, Agency for Gender Equality, and the Ministry of Internal Affairs. Some respondents also suggested that shelters, USAID, UNICEF, the International Monetary Fund, and World Bank contribute.

address violence against various family members in domestic dwellings, the Plan should address specifically violence against most vulnerable persons targeted by domestic violence (i.e. women, children, persons with disabilities, as well as rural and low income citizens). The Plan should not be separate from other available or drafted action plans and policies (e.g., Kosovo Draft Programme on Gender Equality in order to address gender inequalities and root causes of domestic violence against women, the Draft Kosovo Action Plan and Strategy to Combat Trafficking in Human Beings, Anti-Corruption Plan, etc.). The working group established to draft the National Action Plan by AGE should be as inclusive as possible, involving at minimum representatives of all key institutions, shelters, and NGOs with experience dealing with this issue. A consultative process will result in the most thorough and comprehensive plan while ensuring “buy-in” from all key actors, so they will have a stake in implementing the plan.

The plan’s objectives should include but not be limited to government action to tackle violence at four levels aiming at effective Prevention, Protection and Prosecution. First, outcomes need to address structural issues that perpetuate violence with a focus on development of legislation and policy. Second, action is required to promote education through awareness-raising and promoting gender equality. Third, the government must ensure that victims of domestic violence have access to appropriate support and assistance. Fourth, research must be undertaken to monitor and assess developments and review progress.²¹² The Kosovo Action Plan should look at specific objectives and outcomes to address domestic violence by taking into account the profile of the victims from available research and social discriminatory practices.

The plan should involve a clear mandate as to which body or agency is responsible for monitoring its implementation. A commission comprised of representatives from all pertinent institutions including civil society representatives could monitor the implementation of the plan. The Agency for Gender Equality should secure financial support for an annual monitoring report regarding the implementation of the plan, which includes recommendations for adjustments as well as the next plan.²¹³ Additionally the government and international donors should support research by capable NGOs consistent with the work being developed at the national level, which can serve as an independent analysis of institutional progress and make recommendations toward improved response.

The Government of Kosovo should set up a legislative working group to review the legal framework in ensuring adequate measures of protection for victims of domestic violence, especially women as the majority of victims requesting protection orders. The review should aim to develop clearer guidelines on implementation or amend laws so victims have easy access to judicial redress and protection in general. The working group should remove current difficulties and unclear sections of legislation or aspects of the law inconsistent with the focus on domestic violence as a crime. The existence of different sources in civil and criminal law addressing cases of domestic violence as well as the absence of a definition of domestic violence *per se* in the criminal law should be addressed.²¹⁴

²¹² For example Council of Europe Action Plan Proposal on Violence Against Women, 1998.

²¹³ VA in Ferizaj, KWN survey, 2008.

²¹⁴ For example the United Nations Committee on the Elimination of Discrimination against Women in its concluding observations on the state report of the Republic of Moldova emphasised that violence in private dwellings especially domestic violence against women is a human rights violation and should be considered as such. The Committee hence advises states “to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed” (Report of the Committee on the Elimination of Discrimination Against Women, 22nd and 23rd Session, UN doc. A/55/38, 17

The Domestic Violence Regulation should be adopted as Law by the Kosovo Assembly in order to have a widely available, accessible and effective civil measure (foreseen currently with UNMIK Regulation 2003/12). The Law should continue to guarantee protection, safety, and housing alternatives to all victims of domestic violence, thus increasing victims' ability to overcome or leave violent situations.²¹⁵ The Law should be based on the contents of the current Domestic Violence Regulation, as well as clarify unclear sections so that it can be fully implemented. The Domestic Violence Regulation or future law must be applied correctly as a tool of empowerment and not reconciliation. If appropriately applied, the Domestic Violence Regulation can ensure that victims of violence reside at their common residence, which can be an empowering alternative to placing victims in shelters for long periods of time and isolating them from their family and society. If the return of the victim to the common residence is not safe, alternatives such as ordering the perpetrator to pay rent should be made available. The law should provide for victims to begin receiving assistance immediately, including alternative living arrangements subsidized by the government where they could live with their children,²¹⁶ especially in cases where the perpetrator cannot pay.

4.1 Legal and Institutional Gaps for Data Collection, Research, and Monitoring

Inadequate data regarding the prevalence of domestic violence can impede the readiness of authorities to handle domestic violence issues and makes difficult activists' and relevant authorities' efforts to secure resources for responding to domestic violence cases.²¹⁷ Research has shown that data collection in Kosovo has been sporadic, ad hoc, non-analytical, and lacked a coordinated response.²¹⁸ The breakdown of data based on the crime committed, as well as the sex, ethnicity, age, and other demographic information about both the victim and the abuser is extremely important.²¹⁹ The government can use such data, as well as information as to potential circumstances leading to violence like alcohol, drugs, or unemployment to design future interventions and programs, including prevention, protection, and prosecution measures. There is also a need for research with abusers for analyzing causes contributing to violence and good practices for reducing violent behaviour.²²⁰ Findings from such research could be useful in addressing root causes of violence and developing rehabilitation programs for perpetrators that could be more cost efficient than imprisonment, particularly for minor offences.

Currently, Kosovo ministries have some empirical data available, but they lack qualified, professional staff who understand the importance of data, how to analyse it, or how to use it for improving institutional response.²²¹ VAAD only has minimal data available about perpetrators and victims. Representatives said that UNMIK, which previously held all competencies related to justice, has not moved any of its files or shared this information

August 2000, paragraph 102. Quoted in OSCE Mission in Kosovo Report on Domestic Violence Cases, July 2007).

²¹⁵ See Council of Europe Action Plan Proposal, 1998.

²¹⁶ SSOs in Ferizaj, KWN survey, 2008.

²¹⁷ CoE, Action Plan Proposal on "Violence Against Women in Europe" (1998).

²¹⁸ KWN, *Exploratory Research*.

²¹⁹ CDHRF also noted the need for further research on the extent of domestic violence (KWN survey, 2008).

²²⁰ Medica Kosova, KWN survey. They recommended this be overseen and financed by MOJ, with NGOs carrying out research.

²²¹ KWN, *Exploratory Research*.

with the Kosovar institution.²²² Little research has monitored regularly the performance of courts related to domestic violence cases.²²³ In 2007 VAAD began developing a new database for monitoring the cases it assisted.²²⁴ However VAs gather only partial information about victims and do not presently have any form for collecting information about perpetrators. VAAD produces quarterly reports with statistics, which are used during workshops and campaigns, but not otherwise made available to the public. The statistics are not reported to any other governmental body. Presently, VAAD is only able to provide information about the total number of cases assisted without any demographic or geographic breakdown.

The Kosovo Judicial Council statistical department also did not have statistics available in relation to domestic violence cases. At present, all documents are kept in hard copy and one would have to go through each case to collect information. Before the 1990s, courts were obliged to complete a standard form for each case, and the Statistical Office of Kosovo maintained all data on court cases, but this procedure is no longer followed.²²⁵ The European Agency for Reconstruction (EAR) invested three million dollars in the creation of a database for use by the courts a year ago, but few courts possessed computers until this year when 500 new computers were purchased. Next year the courts plan to install a new database system.

Every police station has an officer responsible for entering data in the KPS database networked to all regions. The Domestic Violence Investigation Sector in the Directorate of Hard Crimes established a special database for domestic violence cases in 2005. The police have separate forms for suspects of penal offences, victims, complaints, and witnesses. The Sector produces monthly, quarterly, semester, and annual reports with summaries of information, but the information is not published. The public can only access the statistics through the media. At present, KPS is not responsible for reporting statistics to any institution, aside from prosecutors and courts in ongoing cases. KPS should expand its present database to include more information about abusers, which could help identify rehabilitation needs (e.g. treatment for alcoholism, drug abuse, war trauma),²²⁶ as well as make available more demographic data about victims and perpetrators.

SSOs also use standard forms to gather information for individual case reports that must be compiled within five working days from when the complaint is received.²²⁷ Information is then submitted to DSW and entered into a database on domestic violence. However, DSW was not able to fulfil simple requests for demographic data from this database made by KWN in fall 2007 and again in June 2008. Despite requirements in the Law on Social and Family Services on the gathering of statistics and publishing and promotion of research by the Institute for Social Policy, such research has yet to be published or made publicly available. An inside source told KWN that although the institute

²²² VAAD, KWN telephone conversation, 2008.

²²³ In July 2007, the OSCE Mission in Kosovo, mandated with court monitoring within the UNMIK administration, issued a comprehensive report on domestic violence cases in Kosovo and the conduct of the judiciary in that respect. The Ombudspersons *Ex Officio* Report concerning the Implementation of Section 7 and 9 of UNMIK Regulation 2003/12 on Protection Against Domestic Violence monitored the performance of judges (November 2006).

²²⁴ VAAD, KWN survey, 2008. At present, information is stored both in written and electronic files.

²²⁵ All information in this paragraph from Statistical Department of Secretariat of Judicial System in Kosovo Judicial Council, KWN survey, 2008.

²²⁶ Medica Kosova, KWN survey, 2008.

²²⁷ KWN, *Exploratory Research*, 56.

previously prepared a report, MLSW refused to allocate funds for publishing it due to a lack of political will. “Representatives did not want to acknowledge the extent of violence,” the source told KWN.²²⁸

The Ministry of Health’s procedures for documentation regarding all cases were lacking. Few clinics even maintain patient records, which makes difficult quality treatment of any patient, including recognizing clients who suffer domestic violence repeatedly.²²⁹ KWN has recommended that the Ministry “require all clinics to document the number of patients treated for all conditions, including symptoms of violence. All clinics, private and public should be required to report all cases treated for greater monitoring of serious health issues in Kosovo.”²³⁰ In general, improved documentation and analysis of the health impact of domestic violence is needed in Kosovo.²³¹

Most data collected by the aforementioned institutions contains varying categories of information and no agency is responsible for compiling and analysing the data from all institutions. Following a review of present data collection systems in Kosovo, KWN has argued that the authorities should take responsibility for providing adequate financial and human resources to collect and analyze data thoroughly.²³² The breakdown of data by socio-demographic groups, as well as analysis of root causes of violence and its impact on society can lead to more appropriate policies and interventions. Therefore, the authorities should develop consistent and regular data analysis and monitoring reports on domestic violence using standardized forms for reporting with a detailed breakdown of various socio-demographic groups. The available data may support institutions and NGOs’ future requests for appropriate financial and human resources for assisting victims.

In order to improve data collection and monitoring of domestic violence in Kosovo, the government should establish a Rapporteur on Domestic Violence as an independent monitoring body responsible for information collection, identification of institutional gaps and making recommendations for improving the government’s approach. All institutions dealing with domestic violence issues should submit annual statistics with demographic information to this office, which could be funded with contributions from multiple ministries.²³³ Its main responsibility would be producing an annual report on domestic violence addressing the prevention, protection, and prosecution objectives.

In addition, the government should provide financial support and/or encourage international donors to finance independent bodies such as NGOs to conduct ongoing monitoring of the extent of domestic violence in Kosovo, the performance of institutions in their response to domestic violence, and the processing of cases in courts. Independent auditing can contribute to increasing citizen trust in institutions and governmental transparency, as well as offer expertise and new ideas for constantly improving the services provided by the government to its citizens. In conclusion, a KPS officer said:

²²⁸ Quoted in KWN, *Exploratory Research*, 56.

²²⁹ KWN, *Exploratory Research*, 60.

²³⁰ Ibid.

²³¹ Safe House Gjakova, KWN survey, 2008.

²³² KWN, *Exploratory Research*, chapter three.

²³³ A National Rapporteurs Office has been suggested for collecting, analysing and monitoring cases of trafficking in human beings in Kosovo. For further suggestions on the roles and responsibilities of the National Rapporteur see OSCE Mission in Kosovo Assessment Report for Establishing Kosovo Referral Mechanisms for victims of trafficking, Recommendations Section, October 2007.

This is really important research [...] and I support it, but I think that governmental institutions should be more committed. Plans such as [a National Action Plan against Domestic Violence] should not exist only on a piece of paper, but they need to be implemented, especially when we are dealing with domestic violence cases. [W]e all know that if we have a healthy family, we will have a healthy state.²³⁴

²³⁴ KWN survey, 2008.

RECOMMENDATIONS

For Legal and Legislative Reform:

- Establish a national body or group of advisors with a range of senior professionals and experts that will be responsible for combating domestic violence. The Agency for Gender Equality should be the promoting governmental body of the advisory body under the responsibility of the Prime Minister of Kosovo.
- Draft and adopt a National Action Plan against Domestic Violence with a clear mandate as to which body or agency is responsible for monitoring its implementation.
- Create a legislative working group to review the legal framework to ensure adequate measures of protection for victims. The review should develop clear guidelines on implementation or amend laws so victims have access to redress, compensation, and protection. It should remove current difficulties and unclear sections of legislation or aspects of the law inconsistent with the focus on domestic violence as a crime.
- Create and adopt a comprehensive law on domestic violence in place of UNMIK Regulation 2003/12 on Protection against Domestic Violence. Domestic violence should be considered a penal offence and protection, safety and housing alternatives for victims of domestic violence should be guaranteed. The Law should be based on UNMIK Regulation 2003/12 and clearly define the roles and responsibilities of agencies mandated to implement the Regulation.
- Define further the roles and responsibilities of each agency involved in protection and prosecution through policies and/or Standard Operating Procedures.
- Create effective legal mechanisms to implement legislation on protecting victims from domestic violence by engaging courts to prioritize domestic violence cases.
- Amend legal aid legislation to provide professional legal representation for victims in courts.
- Finish already-initiated efforts to establish a law governing tax deductible donations to non-profit, non-governmental organisations.

For All Institutions:

- Establish a mandatory rehabilitation program for abusers where they receive professional treatment addressing root causes, such as childhood trauma, war trauma, unemployment, alcoholism, or other addiction/dependency diseases.
- Ensure support for existing shelters with the following services: adequate psychological care provided by qualified, experienced professionals; family counselling; assistance finding employment; safe accommodation; free healthcare; education; job skills training; legal assistance; and ongoing monitoring to ensure the situation is stable following return home.
- Establish a long-term reintegration program for domestic violence victims that provides them and their children with subsidized housing, skills-based training, psychological support, and mentoring according to an individualized program, until they can subsist independently.
- Provide affordable or free vocational training to at risk groups, particularly women, which could help them secure employment and potentially reduce violence.

- Ensure all public servants involved in protecting victims and prosecuting perpetrators, especially social workers, police from domestic violence units, victim advocates, prosecutors, judges, teachers, and healthcare workers receive on-going multi-disciplinary training from KJI on domestic violence, law and international human rights standards, social and cultural practices that may condone violent behaviour, and gender equality. Training should be based on existing procedures and manuals for assisting domestic violence clients, supporting multi-agency response and coordination. Trainings should be gender sensitive.
- Perform at least annual reviews and job performance assessments of social workers, police, victim advocates, and judges. Develop disciplinary measures to ensure that they perform their tasks effectively and ensure minimal further harm to victims.
- Develop an effective information service with a consistently functioning, free of charge, 24-hour helpline so persons experiencing violence can call for confidential counselling, assistance, and referral, as needed. Make a permanent budget line to cover helpline expenses and training of staff to offer information on services available to victims.
- Organize jointly public awareness campaigns and community outreach efforts regarding domestic violence that: clarify in simple terms citizens' rights according to law; define what domestic violence involves, including especially marital rape; and debunk myths identified through this research that particular circumstances render violence permissible or "acceptable" (including against women, children, sexual minorities, and people with disabilities). Involve male support, as well as media through, for example, television series that involve solutions for violent situations, public service announcements, talk shows, and publicized debates. Information should target Fushe Kosova, Skenderaj, Klina, Lipjan, and Shtime municipalities; women; people with less than a secondary school education; the unemployed; low income families; and family or friends of people experiencing violence with messages regarding how they can help (e.g., referral, reporting violence, etc.) .
- Organize in rural areas community outreach programs and cultural initiatives involving messages about domestic violence. The majority of the population resides in rural areas and citizens there tend to be more at risk of violence, but have less access to and knowledge about institutional assistance available to them.
- Create and disseminate pamphlets in police stations, health centres, CSWs, local organizations, and courts with easily understandable information about current law and services available for victims and persons who might assist them.
- Use talk shows and parental education campaigns to relay that equal and especially non-violent discipline can improve child development for both girls and boys.
- Implement the Anti-discrimination Law and ensure that all citizens have access to equal rights, including inheritance of property, equal access to education, representation in the government, and employment opportunities perhaps through tax incentives for businesses.
- Establish affordable childcare centres where women could be paid for this currently unpaid labour and which would enable more women to work.

For KPS:

- Require police officers to undergo further training on interacting with persons who have suffered domestic violence and eliminating stereotypes and prejudices.
- Ensure a quality approach by involving trained superiors to monitor officers at least annually.

- Improve police investigative techniques, especially in response to domestic violence.
- Place more emphasis on removing perpetrators from their homes (instead of victims), especially in cases where victims have children who may also be at risk.
- Build on current community policing efforts to deliver information about domestic violence.
- Establish additional private offices in police stations for confidential interviewing of persons who suffered violence. While taking statements, police should attend to victims' emotional wellbeing.

For MLSW, DSW and CSWs:

- Create a working group to clarify the provision of sustainable funding on at least a biannual basis for NGOs in accordance with the Law on Family and Social Services.
- Continue to use the professional services and shelter offered by NGOs to victims of domestic violence. Review regularly the performance and quality of services provided by NGOs in accordance with the Law on Family and Social Services.
- Support the establishment of the aforementioned self-help groups for abusers.
- Provide easy-to-understand information about domestic violence and places to receive confidential assistance at CSWs and to all citizens receiving social assistance.
- Increase the amount of monthly social assistance.
- Make psychological counselling by trained professionals to victims, perpetrators, couples, and families more financially and geographically available in close cooperation with the Ministry of Health and University of Prishtina Department of Psychology.

For the Justice System, including the Ministry of Justice and Kosovo Judicial Council:

- Implement existing law related to property, gender equality, and domestic violence.
- Ensure adequate funds are allocated from the Kosovo Consolidated Budget to increase the number of judges, increase the compensation for judges, and increase the number of staff.
- Make available opportunities for emergency review of high risk cases and prioritize domestic violence cases. Consider the creation of family courts to deal with all cases related to domestic violence and domestic disputes.
- Offer at least annual training for judges and prosecutors by the Kosovo Judicial Institution on legislation related to domestic violence and gender equality. Train staff dealing with domestic violence cases to use a psychosocial approach during legal procedures.
- Instil easier documentation procedures especially for cases of sexual violence in order to avoid re-victimizing and/or marginalizing victims.
- Appropriately investigate and prosecute crimes committed in domestic relationships, including higher punishments in accordance with applicable law.
- Ensure access to legal aid for victims. Legal counsellors under the legal aid project should support Victim Advocates in their obligation of safeguarding victims' rights.
- Improve efficiency of the judicial system by decreasing nepotism, increasing professionalism, and ensuring faster prosecution of cases.

For Shelters:

- Develop mid- and long-term financial strategies for protection as well as effective reintegration and follow-up schemes for victims. Community funding should be explored.
- Ensure that all shelter staff dealing with clients have completed successfully advanced training on establishing trust with clients, identifying trauma, professional counselling, empowerment for clients, and trauma integration. Training should be ongoing and professional as opposed to short-term.
- Cooperate closely with other institutions to establish reintegration and monitoring programs for victims of domestic violence.

For the Ministry of Economy and Finance:

- Encourage investment in job creation toward decreasing unemployment and improving people's basic living conditions.
- Create a specific budget line to which all ministries can contribute for specific line items related to the functioning of the shelters (e.g., Ministry of Health to medical costs, MLSW to food and clothes, MEST to education and training, etc.)
- Offer tax incentives and special loan programs to encourage employers to hire persons most at risk of violence, identified through research.

For the Ministry of Health:

- Create a multi-disciplinary team for medical treatment, rehabilitation, and psychological care for all domestic violence victims. Offer free healthcare and psychological counselling to persons in shelters.
- Educate health professionals to identify signs of domestic violence (e.g., through psychosocial anamnesis), report violence according to law, and use a sensitive approach when dealing with victims to prevent re-traumatization.
- Become part of a coordinated referral mechanism to identify domestic violence, assist victims, and refer them to services when operational procedures are drafted.

For the Ministry of Education, Science, and Technology:

- Ensure all citizens have equal access to educational opportunities, especially women, the poor, minorities (RAE), people with special needs, and people in rural areas.
- Provide education scholarships to the aforementioned vulnerable groups in order to increase their level of education and thus employment opportunities.
- Review primary and secondary school curriculum to ensure it adequately involves information about domestic violence, sex education, gender equality and family education. Revise as needed.
- Target parents with information about how higher education for women and men can improve the family's economic situation in the long-term. Following good practices of prior campaigns, media spots could involve messages from prominent members of the community, cultural icons, and local success stories regarding the importance of education.

Recommendations for the Government for Research and Monitoring:

- Develop consistent and regular data analysis and monitoring reports on domestic violence. All relevant ministries should use standardised forms for reporting. The

existence of data with socio-demographic breakdown, analysis of root causes of violence, and its effects on the society can lead to appropriate interventions and policies.

- Establish a Rapporteur on Domestic Violence as an independent monitoring body responsible for information collection, identifying institutional gaps, and making recommendations for improving the government's approach. Its responsibility would be producing an annual report on domestic violence with this information related to prevention, protection, and prosecution.
- Support financially and technically research by NGOs consistent with the work being developed at the national level.
- Conduct Kosovo-wide surveys regularly, such as every five to ten years, so institutions and organizations can monitor changes in people's perceptions and the prevalence of domestic violence. Ensure that organizations or institutions conducting research are both capable and allotted sufficient time to carry out the research properly.

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APPENDIX 1

Summary of Prior Research on Domestic Violence in Kosovo¹

The aim of this brief summary is to identify and review briefly prior research related to domestic violence in Kosovo. The most recent research related to violence against women, including domestic violence, was carried out by KWN with support from UNFPA, entitled *Exploratory Research on the Extent of Gender-Based Violence in Kosova and Its Impact on Women's Reproductive Health*. KWN employed a mixed methods methodology involving in-depth interviews with 51 women who had experienced violence and 96 professionals (e.g., SSOs, KPS officers, VAs, shelter representatives, and gynaecologists). Based on existing statistics available from institutions and prior reports, it summarizes the extent of various forms of gender-based violence in Kosovo, demographic groups potentially at greatest risk, and then details the impact of violence on women's reproductive health. The report concludes with recommendations for individual institutions and organisations.

In July 2007, the OSCE Mission in Kosovo, mandated with court monitoring within the UNMIK administration, issued a comprehensive report on domestic violence cases in Kosovo and the conduct of the judiciary in that respect. The earlier Ombudspersons *Ex Officio* Report concerning the Implementation of Section 7 and 9 of UNMIK Regulation 2003/12 on Protection Against Domestic Violence monitored the performance of judges in processing domestic violence cases (November 2006).

In 2006, using research conducted in Peja municipality, the Women's Wellness Centre, Reproductive Health Response in Conflict Consortium, and United States Centres for Disease Control and Prevention, published *Prevalence of Gender-Based Violence: Preliminary Findings from a Field Assessment in Nine Villages in the Peja Region, Kosova*. The methodology involved interviews with 332 women ages 18 to 49 about violence suffered at the hands of family members as well as outside "armed actors" during the war (1988-1999), displacement (1998-1999), and post-war (1999-August 2002) periods. The research examined types of violence committed, injuries, violence resulting in pregnancy, sources of assistance, and the emotional health of the respondent.²

In 2005, the Kosovar Gender Studies Centre (KGSC) researched and compiled a brief "Kosovar Civil Society Report to the United Nations on Violence against Women," which summarised all available statistics related to violence against women at the time, as well as discussed the work of women's organisations toward addressing violence.³ The following year, KGSC compiled an unpublished paper entitled "Indicators for Monitoring the Actual Situation of the Countries Concerning Violence against Women" as part of the Open Society Institution Stop Violence against Women project. The KGSC report *Monitoring Security in Kosovo from a Gender Perspective* (2007) also includes a section on domestic violence.

¹ Drawn from review of prior literature in KWN, *Exploratory Research*.

² WWC et al., 4.

³ Ilire Rizvanolli, Lauren Bean & Nicole Farnsworth, "Kosovar Civil Society Report to the United Nations on Violence against Women," KGSC: 2005. See the KGSC website for other reports: www.kgsccenter.org.

In 2005, UNFPA published *Gender-based Violence in Kosova: A Case Study*, which examines various forms of gender-based violence impacting women in Kosovo, governmental and non-governmental responses to violence, and shortcomings in assistance programs. The report makes recommendations to governmental institutions, NGOs, and donors for improving response to violence against women.

The first comprehensive examination of violence against women in Kosovo was carried out by Rachel Wareham for UNIFEM in 2000, entitled *No Safe Place: An Assessment on Violence against Women in Kosova*. Researchers began with trust-building exercises with groups of rural and urban women throughout Kosovo. Research findings drew from group discussions, in-depth interviews, and a survey completed anonymously by 213 women who had attended these groups. Further, researchers interviewed activists, community members, men, and some Serb women.⁴

Also in 2000 Medica Mondiale Kosova published *Stop Violence against Women: Results of a Survey Undertaken in Gjakova*. Researchers interviewed 500 people (440 females and 60 males) of various ages, ethnicities (e.g., Albanian, Bosnian, Roma, Turkish), educational levels, and religions regarding perceptions about domestic violence. The sampling method employed was not clear.⁵

⁴ UNIFEM, *No Safe Place*, 15, 20-21.

⁵ Medica Mondiale Kosova, *Stop Violence against Women*, 6.

APPENDIX 2

QUESTIONNAIRE

For researcher only before interview.

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

1. Identification number _____
2. Municipality _____
3. Rural/urban:
- 3.1. Village (no police station or CSW)
- 3.2. Town (rural setting but police station, CSW)
- 3.3. City (urban setting)
4. Sex:
- 4.1. Female
- 4.2. Male

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

First I would like to know more about you and your family.

5. How old are you?

- 5.1 18-25 5.3 36-45 5.5 56-65
- 5.2 26-35 5.4 46-55 5.6 66+

6. What is your ethnicity?

- 6.1 Albanian 6.2 Serbian 6.4 Bosnian 6.6 Turkish
- 6.3 Roma, Ashkali or Egyptian 6.5 Gorani

6.7 Multiple (please write) _____

6.8 Other (please write) _____

7. What is the highest level of education you have COMPLETED?

- 7.1. No schooling (0 years) 7.4. Secondary school unfinished 7.7. University finished
- 7.2. Primary school unfinished 7.5. Secondary school finished 7.8. Post graduate studies
- 7.3. Primary school finished 7.6. University unfinished

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. Had to work to earn money
- 8.4. The school was too far away
- 8.5. It was not safe to travel to the school
- 8.6. My family did not think it was important for me to keep going to school
- 8.7. Violence in the family
- 8.8. Pressured or forced by mother to stop
- 8.9. Pressured or forced by father to stop
- 8.10. Pressured or forced by partner to stop
- 8.11. Pressured or forced by other family members to stop
- 8.12. Other _____

9. What is your marital status RIGHT NOW?

- | | | | |
|--------------|---------|---------------|---------|
| 9.1. Single | → Q. 12 | 9.3. Divorced | → Q. 10 |
| 9.2. Married | → Q. 10 | 9.4. Widowed | → Q. 10 |

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

- | | | | |
|-----------|------------|------------|------------|
| 10.1 ≤1 | 10.4 11-15 | 10.7 26-30 | 10.10 ≥ 41 |
| 10.2 2-5 | 10.5 16-20 | 10.8 31-35 | |
| 10.3 6-10 | 10.6 21-25 | 10.9 36-40 | |

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

- | | | |
|-------------|-------------|------------|
| 11.1. ≤15 | 11.3. 19-25 | 11.5. ≥ 31 |
| 11.2. 16-18 | 11.4. 26-30 | |

12. With whom do you live at home?

- 12.1. Immediate birth family (parents, brothers, sisters)
- 12.2. Married immediate family (husband/wife and/or children)
- 12.3. Partner's extended family (mother-, father-, brother-, sister-in-law, etc.)
- 12.4. My extended family (parents, brothers, sisters, and their partners)
- 12.5. Friends
- 12.6. Partner (unmarried)
- 12.7. Alone
- 12.8. Other _____

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

14. How many children do you have, if any?

- | | | | |
|---------|---------|---------|------------|
| 14.1. 0 | 14.4. 3 | 14.7. 6 | 14.10. 9 |
| 14.2. 1 | 14.5. 4 | 14.8. 7 | 14.11. 10+ |
| 14.3. 2 | 14.6. 5 | 14.9. 8 | |

15. Were you ever told to have more children than you wanted?

- 15.1. Yes
- 15.2. No
- 15.3. Don't know / No answer

16. (If yes) who pressured you?

- 16.1. Partner
- 16.2. Parents
- 16.3. Parents-in-law
- 16.4. Other family members
- 16.5. Other _____
- 16.6. Combination (write): _____

17. (if children) How do you punish your children? (circle all that apply)
(if no children) In your opinion, how do you think children should be punished?

- 17.1. They are not allowed to play with friends (grounded)
- 17.2. They have to do extra work around the house
- 17.3. They have to stay in their bedroom or in the house
- 17.4. Yell at him or her
- 17.5. Spank him or her with my hand
- 17.6. Spank him or her with a belt or stick
- 17.7. Other _____

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17.8. I do not usually punish my children

18. Is the punishment the same for girls and boys?

18.1. Yes

18.2. No → How are girls punished? _____

How are boys punished? _____

19. What is your employment status right now?

19.1. Work in a paid position outside the home → Q21

19.2. Do unpaid work outside the home (farming, caring for animals like cows/chickens, etc.)

19.3. Do unpaid work at home (childcare, gardening, housekeeping, etc.)

19.4. Work from time to time (Consultant)

19.5. Currently unemployed, but looking for a job

19.6. Unemployed, not looking for a job

19.7. Still student / pupil

19.8. Retired

19.9. Unable to work

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

20.1. Work to do inside the home (childcare, gardening, housekeeping, etc.)

20.2. Work to do outside the home (farming, caring for animals like cows/chickens, etc.)

20.3. Have not been able to find a job

20.4. Family does not allow me to work

20.5. Still a pupil/student

20.6. Its not worth it (for the small salary)

20.7. Retired

20.8. Unable to work

20.9. Other _____

20.10. Don't know / no answer

21. (If working) What is your monthly salary:

21.1. 1-100 Euro 21.4. 301-400 21.7. 601-700 21.10. 901-1000

21.2. 101-200 21.5. 401-500 21.8. 701-800 21.11. 1000+

21.3. 201-300 21.6. 501-600 21.9. 801-900

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

22.1. Yes 22.2. No

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

24. Can you estimate your household income FROM THE LAST THREE MONTHS from all peoples and sources?

24.1. 0 - 40 24.4. 201-300 24.7. 501-600 24.10. 801-1000

24.2. 41-100 24.5. 301-400 24.8. 601-700 24.11. 1000+

24.3. 101-200 24.6. 401-500 24.9. 701-800

25. Does your household receive social assistance?

25.1. Yes → 26 25.2. No → 28

26. (If yes,) Is it enough to meet the needs of your family?

26.1. Yes → 28 26.2. No → 27

27. (If no,) How much per month would your family need to pay for basic costs? _____

28. Who would you say makes most of the decisions about how money should be spent in your household for big purchases like a new car or furniture?

- 28.1. I do
- 28.2. My partner
- 28.3. My father
- 28.4. My mother
- 28.5. My father in law
- 28.6. My mother in law
- 28.7. My brother in law
- 28.8. It's a joint decision between (write) _____
- 28.9. Other _____

29. Who would you say usually decides for children's education (for example, if children will continue education or what they will study)?

- 29.1. I do
- 29.2. My partner
- 29.3. My father
- 29.4. My mother
- 29.5. My father in law
- 29.6. My mother in law
- 29.7. My brother in law
- 29.8. It's a joint decision between (write) _____
- 29.9. Other _____

30. Who in your family would you say has the final say when any important decision has to be made?

- 30.1. I do
- 30.2. My partner
- 30.3. My father
- 30.4. My mother
- 30.5. My father in law
- 30.6. My mother in law
- 30.7. My brother in law
- 30.8. It's a joint decision between (write) _____
- 30.9. Other _____

31. What happens if someone disagrees with or argues with that person about the decision?

- 31.1. Nothing
- 31.2. That person (the decision-maker) gets angry
- 31.3. The person (the decision-maker) yells and shouts at that person who argues
- 31.4. That person (the decision-maker) may physically harm the person who argues
- 31.5. A discussion and then a decision is made together
- 31.6. Other _____

I am going to read some statements. Please tell me if you agree, somewhat agree, somewhat disagree, or disagree.

	1	2	3	4	8	9
32. Sometimes it is OK for a husband to hit his wife	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
33. Children need to be disciplined	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
34. Sometimes a child needs to be spanked	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
35. Boys should have stricter discipline than girls because it makes them strong	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
36. Girls need more discipline than boys so that they will be morally correct	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
37. Persons with handicaps should stay inside their house because they bring shame to the family	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK

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38. It is natural that physical violence happens sometimes when a couple argues	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
39. It is natural that family violence happens after someone drinks alcohol	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
40. Old people are a burden on the family	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
41. Sexual intercourse can never be violence if it happens between two adults who are married	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
42. If a husband is unemployed, violence is bound to happen sometimes	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
43. New wives are supposed to have more responsibilities for cleaning and cooking than other family members	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
44. A regulation against domestic violence exists in Kosovo	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
45. If neighbors knew that one family had violence happening inside, they would consider it shameful	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
46. Any man who hits his wife should be ashamed of himself	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
47. Violence is a normal part of any relationship, and society in general accepts that violence happens sometimes	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
48. Perpetrators of family violence are guilty and should be punished by law.	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK
49. If there is violence in a family, the woman should go to a shelter or her family, while the man should stay at home till the issue is resolved	Agree	Somewhat agree	Somewhat disagree	Disagree	Refuse	DK

Now I am going to read a list of interactions that could happen in a family. Please tell me in your opinion whether each interaction could be considered a form of family violence.

Type	1	2	8	9
50. Criticizing a family member all the time	Yes	No	Refuse	DK
51. Calling a family member names or swearing at a family member	Yes	No	Refuse	DK
52. Sending a child to buy bread for the family	Yes	No	Refuse	DK
53. Punishing a child by spanking him or her	Yes	No	Refuse	DK
54. Punishing a child by spanking him or her with a belt or stick	Yes	No	Refuse	DK
55. Keeping a family member from seeing his/her friends or relatives	Yes	No	Refuse	DK
56. Controlling where a family member can or cannot go	Yes	No	Refuse	DK
57. Making decisions for another adult family member without asking him/her	Yes	No	Refuse	DK
58. Helping a person with a disability decide who to marry	Yes	No	Refuse	DK
59. A family member who has money refusing to give money to a family member who needs it	Yes	No	Refuse	DK
60. Not allowing another family member to work outside the home	Yes	No	Refuse	DK
61. A partner being unfaithful or cheating on his/her partner	Yes	No	Refuse	DK
62. A partner being overly jealous	Yes	No	Refuse	DK

63. Threatening to hurt another family member	Yes	No	Refuse	DK
64. Destroying furniture or breaking dishes on purpose	Yes	No	Refuse	DK
65. An adult slapping, punching, or kicking another family member when they are arguing	Yes	No	Refuse	DK
66. Touching a family member in a sexual way without that person's consent	Yes	No	Refuse	DK
67. A partner making his/her partner do sexual acts that he/she does not want to do	Yes	No	Refuse	DK

68. In your opinion what is the MAIN reason or reasons that family violence happens (circle all that they say)?

- | | |
|--|---|
| 68.1. Unemployment in the family | 68.6. During arguments that get too intensive |
| 68.2. Bad economic situation in the family | 68.7. Because of trauma from the war |
| 68.3. That is the culture | 68.8. Because people were married against their will |
| 68.4. Lack of education | 68.9. Big families live together without enough space |
| 68.5. After someone drinks alcohol | 68.10. Other _____ |

69. In your opinion, how widespread is domestic violence in your village/city? (Probe) Meaning, people inside the family hit each other?

- 69.1. That doesn't happen in my village/city (0%)
- 69.2. It only happens in a few families (1-25%)
- 69.3. It happens in between one-fourth and half of the families (26%-50%)
- 69.4. It happens in between one-half and three fourths of the families (51%-75%)
- 69.5. It happens in between three-fourths and almost all families (75%-99%)
- 69.6. It happens in every family (100%)
- 69.7. Do not know / No answer

In the last YEAR, how often did you personally see or hear people in the same family doing the following: every day, every week, every month, 5-11 times, 1-4 times, never. If you are not sure, please give your best guess.

	1	2	3	4	5	6	9
	Every day	Every Week	Every month	5-11 times per yr	1-4 times per yr	Never	DK/ NA
70. Family members yelling at each other							
71. Loud noises, as if two family members were hitting or pushing each other							
72. Parents slapping their children							
73. A woman who has bruises like someone was hitting her							

74. In the last year, can you estimate how many families that you know personally had violence happening inside?

- | | | |
|---------------------|----------------------|-------------------------------|
| 74.1. 0 families | 74.4. 11-20 families | 74.7. Do not know / No answer |
| 74.2. 1-5 families | 74.5. 21-30 families | |
| 74.3. 6-10 families | 74.6. 31+ families | |

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Please think of one person you know who has been a victim of family violence. Do not tell me who the person is, but can you tell me about them... Is that person...

Nr.	1	2	3	4	9
75.	Male	Female	X	X	DK / NA
76.	Child (0-12)	Teenager (13-18)	Adult (19-50)	Elderly (51+)	DK / NA
77.	With some primary school education or less	Finished primary school	Some or all of secondary school	Some or all of University	DK / NA
78.	Employed for €	Farmer (no €)	Unemployed	X	DK / NA

79. **What type of violence is happening to that person (read answers 1-4)?**

79.1. **Psychological violence** like name-calling, jealousy, lying all the time

79.2. **Physical violence** like kicking, punching, hitting

79.3. **Sexual violence** like making the person have sex when he/she does not want or do sexual acts he/she does not want

79.4. **Economical violence** like not giving the person money when she/he needs it

79.5. **Or something else** _____

79.6. Combination (write #s) _____

79.7. I don't know

80. **Who is the person that most often abuses him/her?**

80.1. Partner

80.5. Sister

80.9. Mother-in-law

80.2. Father

80.6. Son

80.10. Other: _____

80.3. Mother

80.7. Daughter

80.11. Don't know

80.4. Brother

80.8. Father-in-law

81. **What have been the negative results of violence on that person (circle all that apply)?**

81.1. Injuries

81.7. Stop education

81.2. Psychological problems

81.8. Can't work which impacts economic situation

81.3. Unable to care for children

81.4. Unable to care for self

81.9. Other _____

81.5. Thought about suicide

81.6. Attempted suicide

81.10. Other _____

82. **How does that person deal with the violence or reduce the pain it causes him/her (circle all that apply)?**

82.1. Talks to friends

82.7. Divorce

82.2. Talks to family members

82.8. Leaves the house for a while to live somewhere else

82.3. Talks to a counselor or psychologist

82.9. Other _____

82.4. Goes to doctor

82.10. Other _____

82.5. Calls the police

82.6. Goes to a shelter

83. **Do you know where a person could go to get help if they had violence happening to them (circle all that they answer)?**

83.1. A friend

83.5. Victim Advocate

83.2. Another family member

83.6. Local organization or NGO

83.3. Police

83.7. Other _____

83.4. Centre for Social Work

83.8. Don't know / No answer

84. **Do you know any person who has ever reported a case of domestic violence happening?**

84.1. Yes → 85

84.2. No → 94

(If yes) After they reported it...

	1	2	9
85. Did the police come?	Yes	No	NA / DK
86. Did the person who experienced violence leave their house to stay somewhere else?	Yes	No	NA / DK
87. Did the person receive help from Centre for Social Work?	Yes	No	NA / DK
88. Did the person receive help from a women’s NGO or shelter?	Yes	No	NA / DK
89. Did the person receive help from a Victim Advocate?	Yes	No	NA / DK
90. Did the person receive some other form of legal assistance?	Yes	No	NA / DK
91. Was the perpetrator arrested?	Yes	No	NA / DK
92. Did the case go to court?	Yes	No	NA / DK
93. Was perpetrator punished?	Yes	No	NA / DK

(Researcher: write details about what happened below)

94. **If family violence happened to you, do you think you would use any law to help your situation?**

94.1. Yes

94.2. No → Why not? _____

94.3. Don’t know / No answer

Now I am going to ask you some very personal questions. I want to tell you again that I will not share the information you give me with anyone. I also want you to know that if you do not feel well or comfortable at any time while we are talking, please tell me that you want to take a break, skip certain questions, or stop our discussion.

95. **If you can think back, when you were a child, how did your parents usually punish you if you were naughty?**

95.1. I was not allowed to play with friends
(grounded)

95.5. They spanked me with their hand

95.6. They spanked me with a belt or stick

95.2. I had to do extra work around the house

95.7. Other _____

95.3. I had to stay in my bedroom or inside the house

95.8. I was not usually punished

95.4. They yelled at me

96. **In your opinion, when you were a child, how do you think your parents and other adult family members treated you? (Read options)**

96.1. Very well

96.2. Well

96.3. Neither good/bad → Why? _____

96.4. Badly → Why?

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96.5. **Very badly** → Why? _____

96.6. Don't know / no answer

97. *(If married/living with someone)* **Nowadays, do you find it easy or difficult to speak with your PARTNER about things that are important to you? (Read options)**

97.1. Very easy

97.3. Average

97.5. Very difficult

97.2. Easy

97.4. Difficult

97.6. Don't know / no answer

98. **Do you find it easy or difficult to speak with your FAMILY members about things that are important to you? (Read options)**

98.1. Very easy

98.3. Average

98.5. Very difficult

98.2. Easy

98.4. Difficult

98.6. Don't know / no answer

99. **In the last YEAR, how often would you estimate that persons in your family yelled at you, swore at you or made you feel very bad?**

99.1. 1 to 5 times

99.4. Every week

99.7. Refused

99.2. 6-11 times

99.5. Every day

99.8. No answer

99.3. Every month

99.6. Never

100. **In the last YEAR, how often would you estimate that persons in your family hurt you physically?**

100.1. 1 to 5 times

100.4. Every week

100.7. Refused

100.2. 6-11 times

100.5. Every day

100.8. No answer

100.3. Every month

100.6. Never

101. **Has anyone every hit you with an object like a stick, belt, or knife?**

101.1. Yes → What? _____ Who? _____

101.2. No

101.3. Refuse to answer

I am going to read a list of things that could happen in a family. Can you tell me, in your whole life, if any of these things ever happen to you? If they did happen, can you tell me at which times it happened in your life: when you were a child, a teenager, an adult, (if applicable) during pregnancy, (if applicable) elderly or in more than one of these times in your life? (Researcher: check all that apply)

	0	1	2	3	4	5	9	8
	Never	Childhood	Teenager	Adult	Pregnant	Elderly	DK	Refuse
102.	Somebody from your family called you names							
103.	A family member swore at you							
104.	A family member ordered you around all the time							
105.	Someone from your family did not allow you to see friends or relatives							
106.	A family member controlled where you could or could not go							
107.	A family member made you feel guilty all the time							
108.	A family member made important decisions for you without asking you							
109.	A family member who had money refused to give it to you for something you needed							
110.	Your family would not let you work for money outside the home							
111.	Your family would not let you go to the doctor when you were sick							
112.	A family member threatened to hurt you or someone close to you							
113.	A family member had a weapon and threatened to use it against you							
114.	A family member destroyed furniture or broke dishes on purpose							
115.	A family member slapped you							
116.	A family member hit, punched or kicked you							
117.	A family member touched your private parts in a way you did not want to be touched							
118.	Your partner pressured you to have sexual intercourse when you did not want to							
119.	A family member made you do sexual acts you did not want to do							

If answered never to ALL questions 102 through 119 -> III Prevention

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120. Who among your family members used violence against you the most often?

- | | | |
|-------------------------------|------------------------|---------------------|
| 120.1. Partner (husband/wife) | 120.7. Father-in-law | 120.13. Daughter |
| 120.2. Mother | 120.8. step-Mother | 120.14. Combination |
| 120.3. Father | 120.9. step-father | _____ |
| 120.4. Brother | 120.10. sister-in-law | 120.15. All of them |
| 120.5. Sister | 120.11. brother-in-law | 120.16. Other |
| 120.6. Mother-in-Law | 120.12. Son | _____ |

121. Who else (circle all that apply)?

- | | |
|-------------------------------|---------------------------|
| 121.1. Partner (husband/wife) | 121.8. Brother-in-law |
| 121.2. Mother | 121.9. Sister-in-law |
| 121.3. Father | 121.10. Son |
| 121.4. Brother | 121.11. Daughter |
| 121.5. Sister | 121.12. Combination _____ |
| 121.6. Mother-in-Law | 121.13. All of them |
| 121.7. Father-in-law | 121.14. Other _____ |

122. How often did the family member(s) hurt you?

- | | |
|----------------------------|-------------------------------|
| 122.1. Every few years | 122.5. Every month |
| 122.2. Every year | 122.6. Every week |
| 122.3. 1 to 5 times a year | 122.7. Every day |
| 122.4. 6-11 times a year | 122.8. Don't know / No answer |

123. Did any children in the household see or hear violence happening?

- | | | |
|------------|-----------------------|------------------|
| 123.1. Yes | 123.3. Don't know | 123.5. No Answer |
| 123.2. No | 123.4. Can't remember | |

124. What have been the negative results of family violence on your life (circle all that apply)?

- | | |
|------------------------------------|--------------------------|
| 124.1. None | 124.7. Attempted suicide |
| 124.2. Injuries | 124.8. Other _____ |
| 124.3. Psychological problems | |
| 124.4. Unable to care for children | |
| 124.5. Unable to care for self | 124.9. refuse answer |
| 124.6. Thoughts about suicide | |

125. Have you had health problems because of family violence?

- | | | |
|------------|-----------------|----------------------|
| 125.1. Yes | 125.2. No → 128 | 125.3. refuse answer |
|------------|-----------------|----------------------|

126. (If yes), what health problems have you had because of family violence (circle all that apply)?

- | | |
|----------------------------|-----------------------|
| 126.1. Depression | 126.7. Broken limbs |
| 126.2. Headaches | 126.8. Other injuries |
| 126.3. High blood pressure | 126.9. Other _____ |
| 126.4. Nervousness | 126.10. Other _____ |
| 126.5. Constant fear | |
| 126.6. Bruises | 126.11. refuse answer |

127. (If yes), If you were injured as a result of violence, did you ever go to a doctor or tell a doctor what happened?

- | | |
|-------------------------|-------------------------------------|
| 127.1. Yes | → How helpful was the doctor? _____ |
| 127.2. No | → Why? _____ |
| 127.3. I wasn't injured | |

128. When you experienced violence, did you tell anyone about it? (If yes) who?

- | | |
|--|-------------------------------------|
| 128.1. Family member | 128.7. Doctor |
| 128.2. Police | 128.8. Psychologist or psychiatrist |
| 128.3. Friend | 128.9. Other |
| 128.4. Shelter representative | _____ |
| 128.5. Woman activist or NGO | 128.10. Nobody |
| 128.6. Social worker at the Centre for Social Work | |

129. When you experienced violence, what made you feel better?

- | | |
|---|--|
| 129.1. Nothing | 129.7. Living somewhere else for a while |
| 129.2. Talk to friends | 129.8. Send the perpetrator to jail |
| 129.3. Talk to family members | 129.9. Divorce |
| 129.4. Talk to a counselor or psychologist | 129.10. Other |
| 129.5. Do something with my hands (like sewing) | _____ |
| 129.6. Sleeping | |

III. Prevention

Now I want to get your opinion as to how society and the government could stop violence or lessen the amount of harm that results from violence. The ideas that you give will help the organizations, institutions, and government working on this issue create a plan for addressing violence in Kosova.

130. What do you think are the main problems in Kosovar society, which make family violence keep happening?

131. What could the organizations, institutions, and government do to prevent family violence from happening in Kosova?

132. In your opinion what types of assistance would be most useful for a person who suffered domestic violence (circle all that apply)?

- 132.1. Professional help from a psychologist, psychiatrist or counselor
- 132.2. Family counseling

Security Begins at Home

- 132.3. Safe accommodation (shelter)
- 132.4. Access to free healthcare
- 132.5. Access to more education
- 132.6. Access to free legal assistance
- 132.7. Assistance with finding employment
- 132.8. Other _____

133. What could the government do to better address domestic violence?

134. Is there anything else you want to talk to me about or tell me about?

(Researcher: to be completed by the interviewer alone after the interview)

135. **Date of visit:** ___/___/_____
 D D M M Y Y Y Y

136. **Starting time:** ___ : ___

137. **Ending time:** ___ : ___

138. **Is the questionnaire completed?**

138.1. Yes → 140

138.2. No

139. (If no,) **what is the reason for not completing the questionnaire?**

139.1. The interviewee was unable to finish (e.g. sick, too old, someone else present)

139.2. The interviewee refused to continue

139.3. The interviewee did not have time to continue

139.4. The interviewee was not psychologically ready to continue the interview

139.5. Other _____

140. **What was the duration of the interview?**

140.1. 0-30 min

140.2. 31-60 min

140.3. 61-89 min

140.4. 90-119 min

140.5. 120+ min

141. **Please write any further comments about the interview, including your impressions as an interviewer and any explanations (how the interview went, further explanation of the respondent's comments, explanation of the respondent's body language during the interview, any relevant illustrative stories, and during particular questions, etc.)**

142. **As the interviewer, please certify by signing below that this questionnaire has been completed to the best of your ability.**

Interviewer name: _____ Interviewer signature: _____

Supervisor name: _____ Supervisor signature: _____

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Security Begins at Home

The term "security" typically invokes images of national security and international conflict. Security at the intrastate, family, and especially individual level are ignored as the private realm is assumed a location of security. Illegal acts that would be prosecuted when perpetrated against a stranger, neighbour, or in a public place tend to be overlooked when committed in the private realm against a family member. However, as notions of human security gain attention internationally, there is growing recognition that insecurity among individuals contributes to broader institutional inequalities that negatively impact democratic governance and overall security.

Domestic violence, previously considered a private issue, is a source of insecurity for many people around the world, including people in Kosovo, as this report illustrates. Extensive evidence exists that domestic violence contributes to a plethora of health problems, psychological issues, inability to care for children, and even suicide or death. It has significant costs for society related to healthcare, policing, justice, education, employment, and productivity. The Government of Kosovo thus has a vested

interest in decreasing domestic violence as part of its ongoing efforts to achieve Millennium Development Goals and progress toward European Union accession.

This report addresses the dearth of information related to domestic violence in Kosovo, establishing a firm foundation on which to base the first Kosovo National Action Plan against Domestic Violence. It examines forms of violence commonly occurring in the family; citizens' perceptions about domestic violence and abusers; social constraints depriving particular demographic groups that contribute to violence; the consequences of violence on women, men, children, the family, and society, including public institutions; methods citizens use to address violence; and related legal and institutional gaps.

The report provides invaluable information and recommendations for the Government of Kosovo, policy-makers, non-governmental organizations, researchers, donors, and others interested in creating targeted campaigns or programs to prevent future violence, better protect victims, and prosecute perpetrators.