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From Laws to Action

Monitoring the Institutional Response to Gender-based Violence in Kosovo

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Research Aims

- Establish a society where women live free from gender-based violence (KWN's Strategy).
 - Report builds on and is a continuation of KWN research with AGE in 2008, 2009, 2015, and 2017.
- Make clear recommendations to inform ongoing processes to amend Kosovo's laws and policies in line with the Istanbul Convention (IC).
- Assess whether the institutional response to gender-based violence has improved and recommend further improvements.

Research Questions

- To what extent is the legal framework related to gender-based violence harmonised with the IC?
- To what extent is the legal framework being implemented?
- To what extent are relevant public institutions aware of their responsibilities for treating cases of gender-based violence?
 - How has this awareness changed since 2017, if at all?
- To what extent are relevant institutions implementing their responsibilities?

Definitions

- Sex: biological difference between men and women.
- Gender: socially constructed identities, attributes and roles for women and men.
- Gender-based Violence: violence perpetrated against a person *because of* her or his gender, or violence that affects persons of a particular gender disproportionately (usually women).
- Victim-centred Approach: institutions should strive to always place the priorities and needs of persons who have suffered violence first.

Mixed Methods

- Reviewed existing data and literature.
- Conducted legal analysis, focusing on harmonization with the IC.
- Interviewed 190 representatives of responsible institutions and organizations (45.5% men, 55.5% women) across Kosovo.
- Monitored 297 cases of gender-based violence in six regions.
- Collected available institutional data.
- Validity: triangulation of methods, data sources, and researchers; participant checks.



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Legal Analysis

International Legal Framework

- EU Victims' Rights Directive, among others
- Istanbul Convention (IC) (2014)
 - Intended to provide a set of comprehensive obligations for addressing gender-based violence against women within international human rights law.
 - Four pillars: **prosecution, protection, prevention, and coordinated policies.**
 - Directly applicable in Kosovo since incorporated in the Constitution on 25 September 2020.
 - Several laws and policies now require amending to meet IC standards.

Prosecuting Perpetrators, Protecting Victims

- Criminal offences are broadly aligned with the IC but can improve (e.g., clarify definitions of domestic/family relationships; addressing ICT-related violence).
- Protection orders do not cover all forms of gender-based violence, as per the IC (e.g., sexual violence, stalking).
- Draft KCPC will bring the Kosovo framework closer to the IC and EU *acquis* for protection and empowerment of victims during investigations and trials, if adopted as currently drafted.
- Major issues with support services and sustainable solutions for victims.
 - No specialized sexual violence referral centres or rape crisis centres.
- Aspects of civil law need amending (e.g., Social and Family Services, Family Law).

Coordinated Policies

- Policy framework comprehensively addresses domestic violence and trafficking but lacks targeted interventions for other forms of gender-based violence (e.g., sexual violence, stalking).
- A comprehensive strategy addressing all forms of violence against women is urgently needed, which contains a gendered understanding of violence and a holistic response to such violence.

Prevention

Efforts to prevent violence should be further integrated into the policy framework, particularly:

- **Awareness-raising** - sensitising the public to all forms of gender-based violence against women, the legal framework, and how to access support services.
- **Education** - transforming traditional gender roles via educational curricula, towards addressing the root causes of gender-based violence.
- **Training** professionals who are likely to deal with victims or perpetrators on preventing and detecting violence, equality between women and men, the needs and rights of victims, an intersectional approach to addressing the needs of marginalised women, risk assessment, gender dynamics, and how to prevent secondary victimisation.



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Inter-institutional Coordination

Coordination Bodies

- Several coordination bodies exist in Kosovo:
 - Supporting victims of war time sexual violence
 - Domestic violence
 - Trafficking
- As per IC, states must designate official bodies responsible for coordination, implementation, monitoring, and evaluation of policies and measures to prevent and address all forms of gender-based violence.
 - Implementation and monitoring functions have not been clearly differentiated by law.
- Coordination bodies do not exist for other forms of gender-based violence like sexual violence.

Coordination Bodies

- Coordination bodies lack a clear mandate enshrined in law (beyond policy), and thus lack consistent, adequate human and financial resources for reliable functioning.
 - Coordination and progress on NSPDV hindered by changes in government and thus National Coordinator (as Deputy Minister of Justice).
- Several municipalities do not have functional domestic violence coordination mechanisms.



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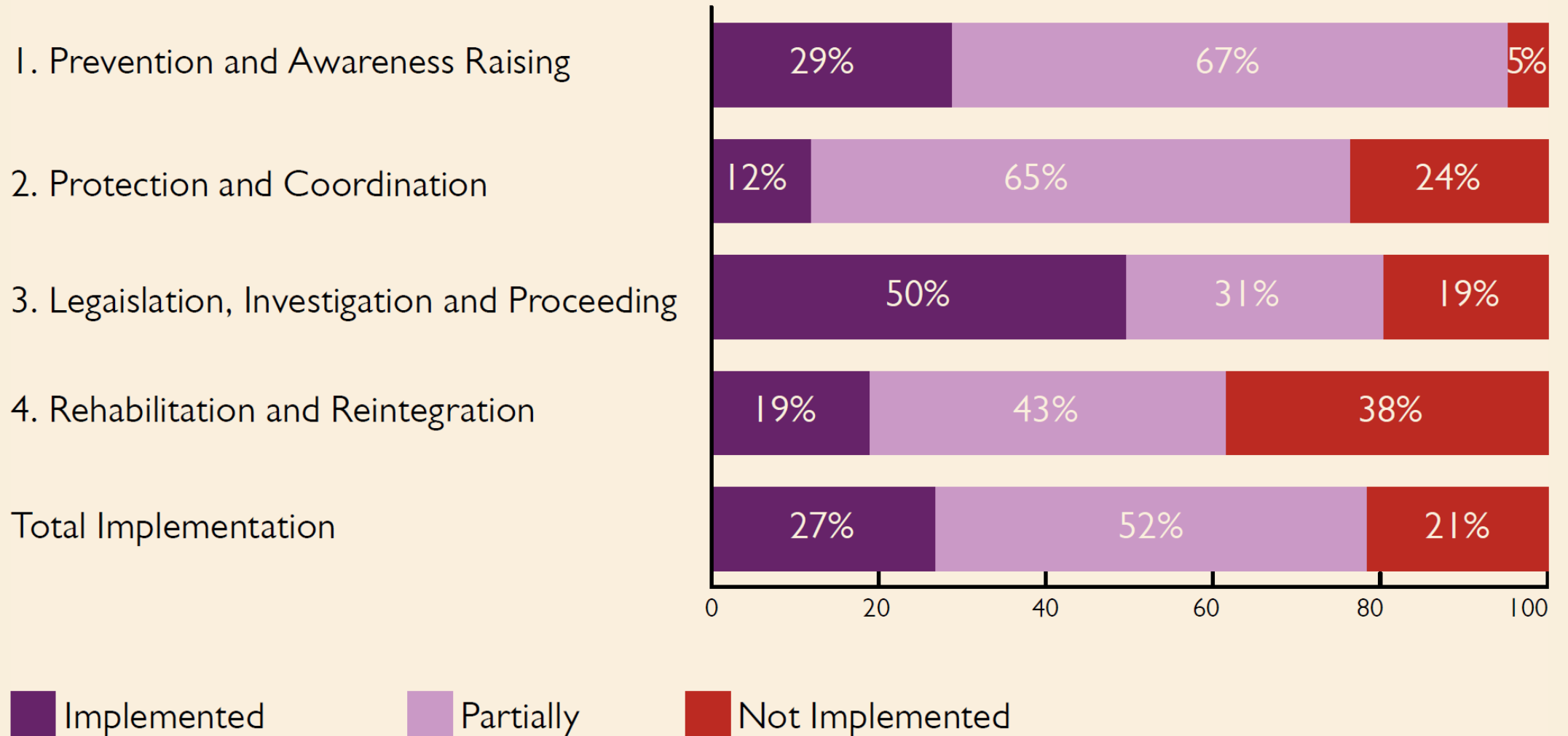
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Institutional Response to Gender-based Violence

Knowledge and Attitudes

- Knowledge of and attitudes towards gender-based violence, especially domestic violence, have improved since KWN's 2017 monitoring.
- Still, many respondents lacked comprehensive understanding.
 - Lacked understanding of “gender-based violence”, gender relations, power and how social structures contribute to violence against women.
 - Few had knowledge re: stalking, sexual harassment, sexual assault, rape, female genital mutilation, and differences among these.
 - Victim-blaming persisted.

Graph 2. Implementation of NSPDV 2016-2020 by Pillar

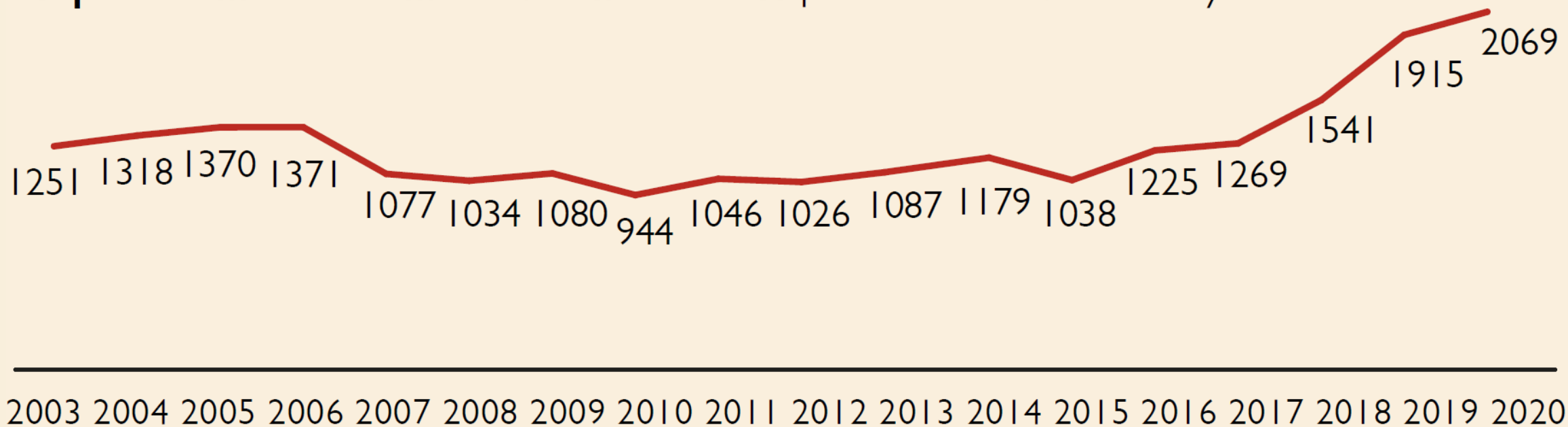


Financing for Addressing Violence

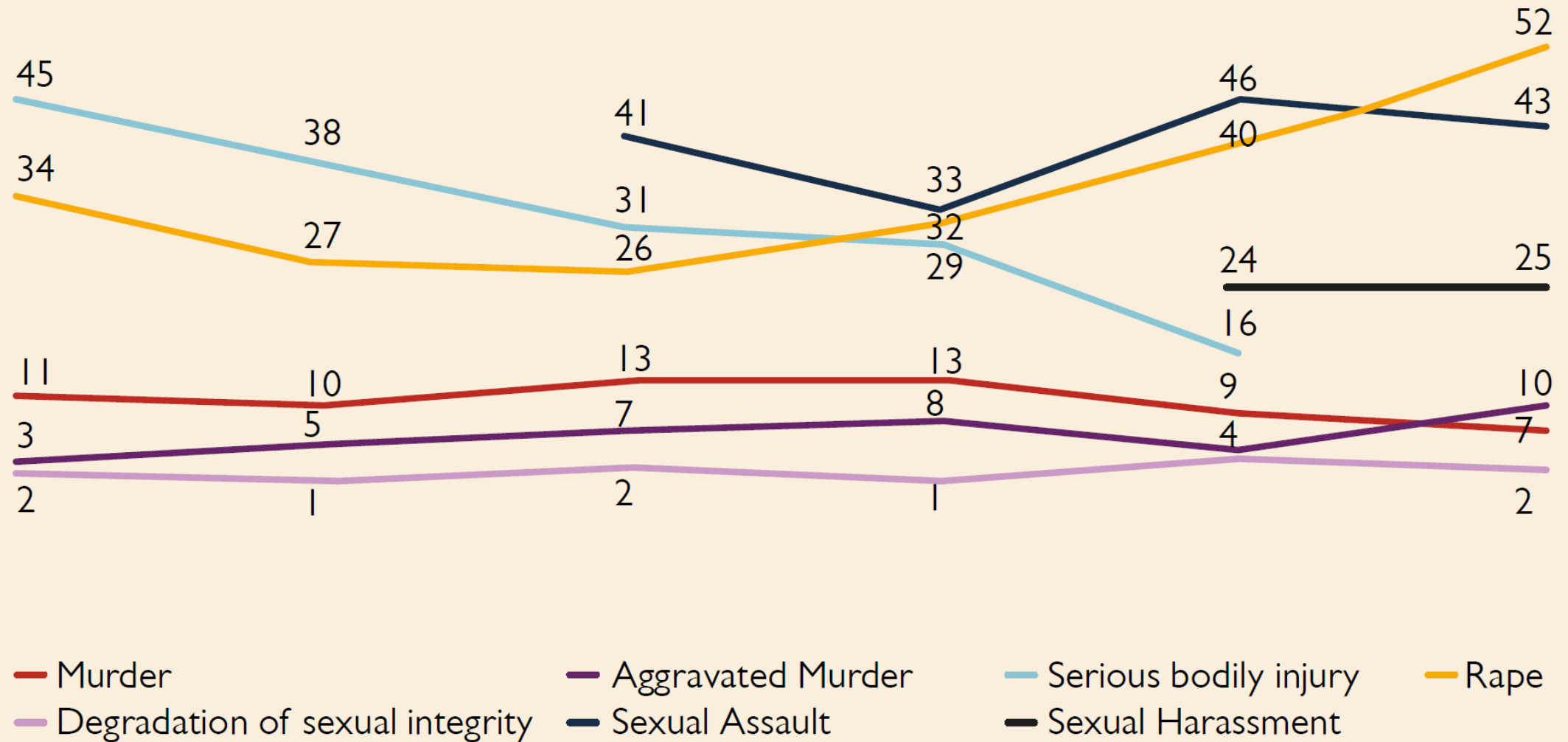
- Regular budget lines of responsible institutions (e.g., police, prosecution) contribute to addressing gender-based violence indirectly.
- In 2017-2020 budgets, few **specific** budget lines addressed gender-based violence.
- The 2019 and 2020 budgets contained a budget line for shelters, but this has not been distributed in a timely manner.
- The legal mandate for funding support services is insufficiently clear for individual institutions, so institutions did not budget for these expenses.
- “There’s no budget” was a recurrently heard theme across institutions.

Domestic Violence Reported to Police

Graph 5. Number of Domestic Violence Cases Reported to Kosovo Police by Year



Graph 4. Violence against Women Reported to Police



Judicial Response

- Not all understood gender-based violence, particularly various forms of sexual violence.
 - Limited experience treating stalking, sexual assault, rape, or sexual harassment.
- Delays persist in treating cases, placing victims at risk.
- Few measures assigned in protection orders, hampering a comprehensive, victim-centred approach.
- Some judges still seek to reconcile families, though not within their mandate and places victims at risk.
- Women “withdrawing” their testimonies and courts dropping criminal charges continues, despite legal obligations to proceed with *ex officio* prosecution.
- Sentences for domestic violence crimes remain low.

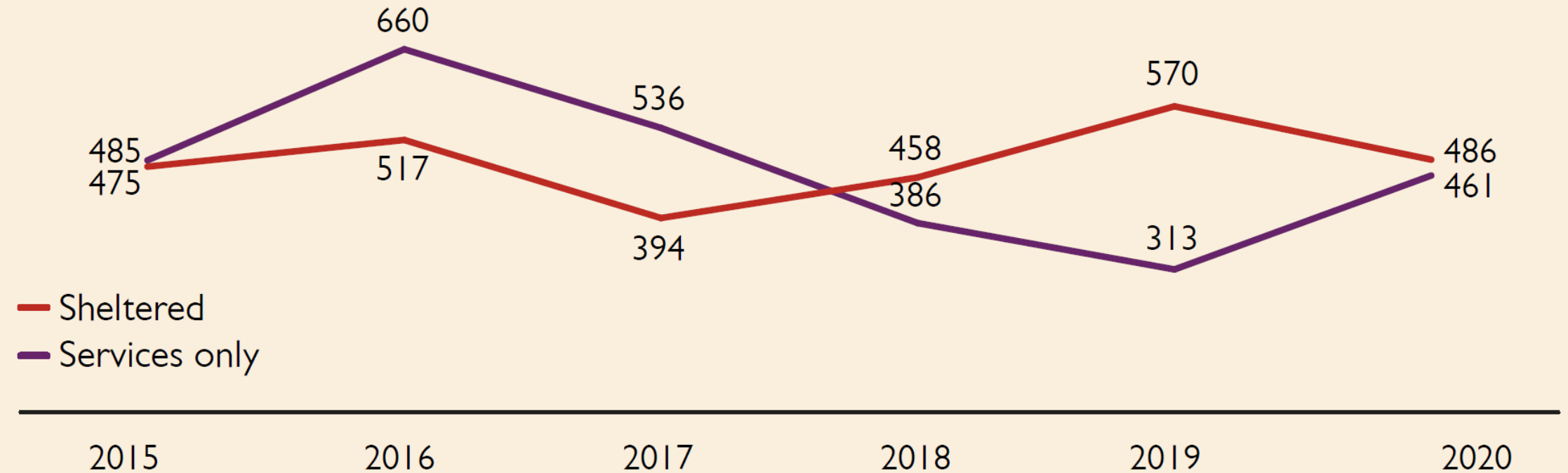
“[When the parties file] for divorce, judges have the obligation to ask them to reconcile. It is obligated by the [Family] Law. In court we often see that women forgive [the perpetrators] because they don’t have the means to separate and live independently.”

- **Woman, Criminal Court Judge**

Centres for Social Work

- Lacked knowledge about gender-based violence, including new CCK.
- Tried to reconcile couples, placing victims in danger, contrary to IC, LPDV, and SOPs.
- Often absent from court hearings and do not follow-up with families or victims for appropriate case management.
- Significant human resource shortages and infrastructure issues undermine services for protection, rehabilitation and reintegration.

Graph 6. Number of Persons Sheltered, Assisted, 2015-2017





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Recommendations

Legal Framework

- Establish a new **Law on Protection from All Forms of Gender-based Violence** to replace the LPDV, which:
 - Extends protection orders to all forms of gender-based violence; and
 - Integrates an understanding of gender-based violence as a violation of human rights, and recognition of the disproportionate impact of such violence on women.
- Adopt the **Draft Criminal Procedure Code** to strengthen victims' rights.

Legal Framework

- Develop and adopt a comprehensive **National Strategy and Action Plan** addressing all forms of gender-based violence against women, which:
 - Provides an integrated and consistent response to all forms of gender-based violence;
 - Details clear responsibilities, standardised protocols, and guidelines for persons who engage with victims and for inter-institutional cooperation;
 - Supports basic and specialised training of all relevant professionals and officials; and
 - Enhances efforts to prevent violence through education and awareness raising.

Legal Framework

- Amend the **Law on Social and Family Services** to include all protection, rehabilitation, and reintegration services foreseen in the IC.
- Designate fully institutionalised **separate official bodies** for:
 - (1) coordinating and implementing, and
 - (2) monitoring and evaluatingpolices and measures to prevent and address all forms of gender-based violence under the IC.
- Establish a clear legal mandate for **municipal coordination mechanisms**, enshrining their responsibilities in law and ensuring adequate budget allocations for their appropriate, sustainable functioning.
- Allocate **sufficient budget** to ensure sufficient human resources for services, case management, and rehabilitation & reintegration services.
 - Ensure a permanent budget line for shelters and better, more timely provision of funding.

Inter-institutional Cooperation

- Consider moving the coordination of the inter-ministerial group on domestic violence to AGE within the OPM, as a higher level inter-institutional body than the Ministry of Justice, to include inter-institutional coordination on rehabilitation and reintegration services.
 - Allocate resources for permanent civil servant staff as the secretariat.
 - Redefine the coordination body's mandate to relate to all forms of gender-based violence.
- Ensure that summary data on institutional services provided is publicly accessible through an online interface and submitted to the Kosovo Agency for Statistics in accordance with the Law on Gender Equality.

For the Ministry of Finance

- Support the establishment of permanent budget lines for treating gender-based violence within the budgets of responsible institutions.
- Enforce legal requirements for budget organisations to carry out gender-responsive budgeting, inclusive of gender analysis, in informing their budget allocations.
- Allocate regular, annual funds for experienced CSOs to provide services, further awareness, and monitor independently government implementation of the relevant legal framework.

For Police

- Oblige more KP officers to participate in basic, advanced, and multi-sectoral training on gender-based violence and the appropriate approach, including risk assessment, especially first responders.
- Ensure police officers remove perpetrators from a shared home and enable the victim to remain, as a priority, as per the IC.
- Ensure officers pursues violations of protection orders as criminal offences.

For Prosecutors and Victim Advocates

- Ensure all municipalities have a prosecutor specialised in gender-based violence cases and that such cases are allocated to them.
- Train prosecutors on effective responses to gender-based violence, particularly using the CCK offence of domestic violence **together with** additional relevant charges.
- Request additional budget for more human resources for VAs, ensuring they are present when victims make statements at police stations (avoiding re-traumatisation), during court hearings, and to support victims.
- Further train VAs in sexual violence and the various measures available through protection orders.

For Courts

- Ensure that obligatory training of judges and guidelines emphasise that the judiciary has no role, nor legal basis, to seek reconciliation between a victim of violence and a perpetrator.
- Monitor judges' sentencing in gender-based violence cases and use of reconciliation, particularly in criminal court cases.

For Legal Aid Offices

- Provide obligatory training for LAOs to enhance their awareness of different forms of gender-based violence and how to ensure gender-sensitive assistance of such cases.

For Correctional and Probational Services

- Develop suitable rehabilitation programs for perpetrators that aim to transform traditional gender norms and address the underlying causes of gender-based violence.
- Ensure personal rehabilitation plans include “re-socialization regarding power relations and traditional gender roles” towards transforming traditional gender relations and preventing recidivist violence.
- Develop improved systems for tracking crimes perpetrated by clients, towards better planning and providing rehabilitation services, as well as preventing recidivism.

For MLSW, Centres for Social Work and Shelters

- Organise training for social workers on the new CCK, SOPs, gender-based violence, and improved **case management** of gender-based violence cases.
- Budget for more human resources and vehicles for social workers to carry out their legal responsibilities more adequately.
- Ensure regular psychological supervision and counselling for all social workers and shelter service providers by trained professionals, towards preventing burnout.
- Develop policies and standards, ensuring an intersectional approach to services that addresses the needs of persons with different abilities, LGBTQIA+ persons, and minorities.

For Employment Offices and Vocational Training Centres

- Provide obligatory training on gender-based violence; the CCK; referrals; ensuring confidentiality when assisting cases; and the specific approach to assisting person who have suffered violence.

For MEST & Educational Institutions

- Institutionalise training for educators and psychologists on identifying and referring gender-based violence.
- Include teaching material on equality between women and men, mutual respect, non-stereotypical gender roles, gender-based violence, and how to report it in educational curricula appropriate to various age groups, as foreseen by the IC.
- Allocate sufficient budget for increasing the number of psychologists in schools.

For the Ministry of Health and Health Institutions

- Institutionalise training on forms of gender-based violence and referrals.
- Ensure training on and implementation of a special protocol for the treatment of cases of sexual violence, in line with IC requirements.
- In cooperation with CSO experts, shelters, MLSW, and the Institute of Forensic Medicine, establish sexual violence referral and rape crisis centres as foreseen by the IC with comprehensive integrated services.

For Municipalities

- Allocate sufficient resources, based on gender analysis and gender-responsive budgeting, for implementing municipal responsibilities to address all forms of gender-based violence, particularly coordination mechanisms.
- Ensure premises for shelters in municipalities where they are unavailable.
- Allocate social housing for persons who have suffered gender-based violence to transition to living autonomously.



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