



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria e Kosovës-Vlada Kosova-Government of Kosova

*MINISTRIA E DREJTËSISË
MINISTRASSTVO PRAVDE
MINISTRY OF JUSTICE*

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE AND ACTION PLAN 2011-2014



Pristina, 2015



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government
Ministria e Drejtësisë/Ministarstvo Pravde/Ministry of Justice

Prishtina, 1/10/2015

Dear all,

For the society, perceived as a pyramid of social institutions, family is main basis. Family is the place where love and human solidarity begins, values which are a measure for the sustainability of the pyramid - the society. It is also the place where responsible citizens are educated, future leaders and those that will reflect our positive characteristics wherever they go. A functional pyramid could not exist without a solid foundation. A healthy family that cultivates proper manners and values is like a tree, with the fruits of which can be nurtured generations. And often, the trees are gripped with worms. The worm that penetrates in a family has the power to dispose its essence by multiplying by zero all values: that worm is violence. Although there still may be people who try to justify violence, it is never justifiable. Violence is not a disciplinary mechanism or strength index. It remains an internal worm that by harming a family, it harms the entire community. I would like to quote a great promoter of non-violence, Mahatma Gandhi who said “I object to violence because when it appears to do good, the good is only temporary, the evil that causes violence is permanent.”

Domestic violence in all its forms remains one of the most serious violations of human rights that we know today. What each of us should have in mind, is that violence is not acceptable behavior in a social context and punishable by applicable legislation. Domestic violence, expressed in physical or psychological forms directly affects in physical and mental integrity of the victims, destroys human values of the community and hinders progress. Major scope of this problem shows that domestic violence affects society as a whole, but it is good that is no longer considered an issue that belongs to the private sphere. Being members of an active, responsible and democratic society, it is the duty of each of us to do our part in order to eradicate this negative phenomenon.

Unfortunately, domestic violence is a widespread phenomenon in all countries of the world and affects all social groups regardless of country, culture, religion, age, education level or standard of living. This disturbing phenomenon is also present in our society, which is going through a challenging phase of building the rule of law and democratic institutions for sustainable development and towards European integration processes. Perhaps you have experienced directly or indirectly violence, perhaps this happened to you once, it is likely that you work or live next to someone who is being abused now. Although violence undermines the harmony of

all members of the family, women and children are most affected by this ugly phenomenon. Children who live and are exposed to environments where violence is exercised, are more likely to be abused and neglected. The impact of violence on their growth and their psycho-social development is enormous. Even if a child is not physically harmed, violence leaves deep scars and they may have problems of emotional nature determining their behavior in the future. Whoever are the victims, there is a solution, there are mechanisms to help. Your safety and those around you is a priority for institutions engaged in this regard.

Office of the National Coordinator against Domestic Violence has expressed its commitment to coordinate the activities and policies along with other stakeholders, based on three pillars: prevention, protection, treatment and rehabilitation and reintegration. It is the duty of each of us to contribute in terms of prevention as the first pillar, a successful process that starts with proper education in families that are cell of society and the schools as educational institutions. The success of the first pillar is of particular importance since the prevention is realized through awareness that violence is a negative phenomenon. We are aware of the need to strengthen the second and the third pillar, respectively, protection and treatment as well as rehabilitation and reintegration, which will occur due to the commitment of the institutions of the Republic of Kosovo in this regard.

A special thanks to the donors and supporters deserve starting from the American Embassy, UN Women, UNDP, OSCE and civil society for the provided assistance and willingness that have contributed to the realization of the objectives of the Office of the National Coordinator

As National Coordinator Against Domestic Violence and the Deputy Minister of Justice, I would like to express the will and institutional commitment that through legal infrastructure and best practices, to influence for Kosovo to become the model of prevention, addressing and dealing with this problem.

Sincerely,
Lirak Çelaj
National Coordinator Against Domestic Violence
Deputy Minister of Justice
Ministry of Justice



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government
Ministria e Drejtësisë/Ministarstvo Pravde/Ministry of Justice

Preface

The office of the National Coordinator has the honour to present the evaluation report of the Kosovo Program against Domestic Violence and Action Plan 2011-2014.

This report includes two separate evaluations compiled by two different authors, who have assessed the implementation of the program based on two perspectives.

You will have the opportunity to read the first evaluation in this publication commissioned by UN Women and compiled by the consultant Ariana Qosaj Mustafa, who has analysed the implementation of the Program focusing on the impact the program has had on survivors. The second evaluation supported by US Embassy in Prishtina, with the American author Amy Litwin, prosecutor, has analyzed the efficiency of the implementation of the Program by the justice sector, with emphasis on the work of courts, prosecutors and victim advocates.

The importance of this evaluation report is that the findings and recommendations of these assessments will be in the function of drafting the new Strategy against Domestic Violence. Thanks to this report, officials and experts who will work on drafting the new strategy could work specifically on the points that have been raised so that the issue of domestic violence be addressed with more seriousness and institutional responsibility.

The Kosovo Program against Domestic Violence and Action Plan 2011-2014 has marked a significant step by reflecting the seriousness of institutions to deal with this phenomenon with full responsibility. We are convinced that the new Strategy and Action Plan will be better structured and contain harmonised activities and policies of institutional actors.

**EVALUATION OF THE KOSOVO STRATEGY AND ACTION PLAN
AGAINST DOMESTIC VIOLENCE (2011-2014):
MAIN CHALLENGES AND THE WAY FORWARD**

OCTOBER 2015

Office of National Coordinator Against Domestic Violence

Author: Ariana Qosaj-Mustafa

Translation: DAS Group

Copies: 50

ABBREVIATIONS

Criminal Code	The Criminal Code of the Republic of Kosovo
Criminal Procedure Code	The Criminal Procedure Code of the Republic of Kosovo
CSW	Centre for Social Work
DV	Domestic Violence
GoK	Government of Kosovo
MLSW	Ministry of Labour and Social Welfare
NSAPDV	National Strategy and Action Plan against Domestic Violence
SOP	Standard Operating Procedure
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
UN Women	United Nations Entity on Gender Equality and the Empowerment of Women
VA	Victim's Advocate
VAAO	Victim's Advocacy and Assistance Office

This evaluation report was supported by UN Women. The views and opinions expressed on the report do not reflect those of UN Women.



TABLE OF CONTENTS

I. INTRODUCTION: GENERAL OVERVIEW ON THE EVALUATION OF THE SAPDV, 2011-2014	
i) THE CURRENT STANDING OF DOMESTIC VIOLENCE IN KOSOVO.....	
ii) OVERVIEW OF THE FORMER NSAPDV DRAFTING PROCESS (2011-2014)	
iii) OVERVIEW OF THE ASSESSMENT METHODOLOGY	
II. MAIN CHALLENGES ENLISTED BY THE FORMER STRATEGY AND ACTION PLAN (2011-2014)	
i) CRITICAL ISSUES IN UNDERSTANDING AND IMPLEMENTING THE LEGAL FRAMEWORK	
ii) CRITICAL ISSUES IN THE FUNCTIONING OF INSTITUTIONAL MECHANISMS	
III. STRATEGIC AND SPECIFIC OBJECTIVES	
SPECIFIC OBJECTIVE 1 - PREVENTION AND INCLUSION.....	
SPECIFIC OBJECTIVE 2 - PROTECTION.....	
SPECIFIC OBJECTIVE 3 - SERVICES	
FORMULATION OF POLICIES AND PROGRAMMES FOR EVERY SECTOR	
IV. MAIN FINDINGS	
V. CONCLUSION & THE WAY FORWARD	
VI. LEVEL OF IMPLEMENTATION OF THE ACTION PLAN ON DOMESTIC VIOLENCE (2011 – 2014)	
BIBLIOGRAPHY	
ANNEX	

I. INTRODUCTION: GENERAL OVERVIEW ON THE EVALUATION OF THE NSAPDV, 2011-2014

Domestic violence is a form of violence that impacts family members who are often in vulnerable positions due to their sex, age, social and/or economic status. In Kosovo, the victims of domestic violence are predominantly women, children and elderly persons.¹ Kosovo's Constitution and relevant laws provide for protection by the state for a life with dignity and freedom from violence.² Following the constitutional guarantees, Kosovo institutions undertook a number of legal and policy changes to address the needs of victims of domestic violence.

In 2003, during the United Nations international administration mission, Kosovo similarly enacted Regulation 2003/12 on Protection against Domestic Violence.³ The UN approach was mainly based on defining 'the victim' in a broader sense. Persons that have suffered various forms of harm, such as physical, mental or emotional abuse, or harm as the result of economic loss, that impairs their ability to substantially enjoy their rights as prescribed in acts or omissions of the national criminal laws or internationally recognised human norms, are classified as 'victims'.⁴ Accordingly, the UN approach to domestic violence was based on implementing the United Nations Convention against all forms of Discrimination against Women (CEDAW), directly enlisted as applicable under the Provisional Constitution of Kosovo.⁵ The regulation provisions also provided a basis for the Kosovo Assembly to adopt the new Law on Protection against Domestic Violence (Kosovo Law on Domestic Violence) in 2010, reinstating the willingness of Kosovo institutions to promptly address the issue of violence within the family.⁶ Based on the requirements of the Kosovo Law on Domestic Violence, Kosovo institutions undertook a number of activities and by 2011, a National Strategy and Action Plan against Domestic Violence was adopted (NSAPDV, 2011-2014). The NSAPDV ended in 2014 and thus, the need for evaluation and assessment of its real impact, as well as the need to analyse best practices and lessons learned, arose. Kosovo should draft a new Strategy and Action Plan against Domestic Violence during 2015 with the lessons learned and best practices from the previous strategy setting in place the remaining gaps to be addressed and the way forward.

1 Awaiting data from the Kosovo Police Domestic Violence Units.

2 See Article 23 and Article 37, paragraph 3 of the Constitution of the Republic of Kosovo.

3 See UNMIK Regulation 2003/12 on Protection Against Domestic Violence, available at http://www.unmikonline.org/regulations/unmikgazette/02english/E2003regs/RE2003_12.pdf.

4 See page iv. of the "Handbook on Justice for the Victims: on the use and application of the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power," UN Office for Drug Control and Crime Prevention, available at https://www.unodc.org/pdf/criminal_justice/UNODC_Handbook_on_Justice_for_victims.pdf

5 See UNMIK Regulation 2001/09 on the Constitutional Framework for Provisional Self-Government in Kosovo, available at <http://www.unmikonline.org/regulations/2001/reg09-01.htm>

6 See Kosovo Law on Protection against Domestic Violence No.03/L-18, available at <http://www.assembly-kosova.org/common/docs/lig-jet/2010-182-eng.pdf>.

i) The Current Standing of Domestic violence in Kosovo

Domestic violence continues to be one of the prevalent forms of violence targeting women and children in Kosovo.⁷ As seen from Kosovo Police data, cases of violence are continually reported with approximately 1,000 victims being assisted by Kosovo institutions annually. The majority of cases relate to violence against women (80%), followed by children and elderly male victims.⁸ Traditionally, the socio-economic situation of women, children and the elderly make them dependent on other family members. The male head of household, who is also often the victims' husband, father or son, typically controls such power relations, influenced by economic advantage.

Women and children tend to be relegated to the private sphere and are often responsible for the care of children and the elderly, disciplined to be 'morally' correct in order that they adhere to their 'reproductive' roles. From out-dated research by Kosovo Women's Network in 2008, conducted for the Agency for Gender Equality to inform the first National Strategy and Action Plan against Domestic Violence, interviews with more than 1,200 respondents showed that over 40% of men and women agreed that children should be physically 'disciplined' so that girls will be 'morally' correct and adhere to their reproductive roles. In contrast, it was perceived that boys should be physically 'disciplined' in order to fulfil the roles of 'breadwinners and family providers'.⁹ Traditionally, women also are denied the rights to inherit or register property in their names, despite the provision for these rights in the law. The latest figures estimate that 8 to 15% of women have property registered in their names.¹⁰ This directly impacts women's capacities to establish businesses and diminishes their capacity for self-employment. A credit collateral of 3 to 5% for women has been found in Kosovo.¹¹ In the midst of these social and economic factors, women and girls commonly remain outside of the public sphere, based on the low figures of representation of women in the recently formed Government of Kosovo (GoK). Out of 21 ministries in the GoK, only two are headed by women. Of these, one woman is appointed as a minister without portfolio.¹² Slight improvements have been achieved in relation to women's quota in the parliament as a result of electoral laws. However, Kosovo would continue to face major challenges in the representation of women in the public sphere if the quotas provided no such guarantees.

Amidst these socio-economic factors and discriminatory practices against women, the GoK's obligation to support women and girl domestic violence victims remains enshrined in the constitution and relevant laws. Thus, greater efforts are needed to support mid- and long-term empowerment of the victims, taking into consideration the social and traditional context of Kosovo.

7 See Ulf Farnsveden, Ariana Qosaj-Mustafa and Nicole Farnsworth study, "Kosovo Country Gender Profile," pg. 2, financed by Sweden and available at http://www.swedenabroad.com/ImageVaultFiles/id_20757/cf_347/Orgut_Kosovo_Gender_Profile_FINAL_2014-05-08.PDF.

8 See Kosovo Police breakdown of data, Annex. E-mail communication with UN Women researcher, July 2015.

9 See Kosovo Women's Network for Agency for Gender Equality Research, Security Begins at Home: Research to Inform the First National Strategy and Action Plan against Domestic Violence, 2008, p.2. Available at <http://www.womensnetwork.org/documents/20130120165404373.pdf>.

10 See "Kosovo Country Gender Profile".

11 Ibid.

12 See Government of Kosovo official website at <https://www.rks-gov.net/sq-AL/vegeza/Pages/Institucionete-Kosoves.aspx>.

ii) Overview of the Former NSAPDV Drafting Process (2011-2014)

The Agency for Gender Equality, in close cooperation with Kosovo agencies, civil society and academia, led the process of drafting the first comprehensive NSAPDV in Kosovo for the years 2011 to 2014. The drafting process lasted for 9 months and was based on the requirements of the Kosovo Law on Domestic Violence. The former NSAPDV was based on four main principles related to human rights. First, domestic violence was considered as a human rights violation. The principle of partnership identified all actors involved and compelled them to jointly implement the action plan. The principle of local ownership sought to ensure the implementation of activities based on Kosovo's specific context. Finally, the principle of realistic and feasible activities aimed to produce realistic achievements, although the plan was still considered ambitious.¹³

The NSAPDV drafting process gathered national and international stakeholders in order to draft the Strategy and Action Plan and enable the coordination of existing efforts of Kosovo institutions, civil society actors and international organisations to prevent and combat domestic violence in Kosovo.¹⁴ Many of the efforts in Kosovo existed prior to the Action Plan. However, the purpose of the strategy and action plan was to coordinate these activities and streamline the interventions.

The NSAPDV addressed the needs of victims of domestic violence by instructing the response of Kosovo institutions on three main pillars:

- 1) Prevention;
- 2) Protection and Security; and
- 3) Support, Treatment and Reintegration.

Pillar I: Under the **Prevention** pillar, the NSAPDV identified ways of increasing the level of knowledge and awareness in the general Kosovo society on domestic violence by also informing citizens of its consequences. Simultaneously, the plan sought to increase the community response on the issues related to violence. In order to improve their safety and welfare, the program also sought to identify ways of increasing the access to information and legal remedies for domestic violence victims.¹⁵

Pillar II: Under **Protection and Security**, the plan contained activities related to the security and protection of victims of domestic violence through the provision of legal and social services. Furthermore, it sought to achieve the provision of legal and physical protection from the domestic violence acts.

Pillar III: The plan also addressed **Support, Treatment and Reintegration** activities for victims and perpetrators of domestic violence. This pillar sought to improve the quality of services for victims and find ways to assist perpetrators in order to fully integrate them into society.¹⁶ Furthermore, the NSAPDV acknowledged that the reintegration of victims of domestic violence requires a multidisciplinary approach and requested the inclusion of all actors that

13 See pg. 12 of the Kosovo Programme and Action Plan against Domestic Violence 2011-2014, available at the Agency for Gender Equality website <http://abgj.rks-gov.net/Portals/0/Programi%20i%20Kosov%C3%ABs%20Kund%C3%ABr%20Dhun%C3%ABs%20n%C3%AB%20Familje%20dhe%20Plani%20i%20veprimet.pdf>.

14 See pg. 12 of the National Co-ordinator's Office against Domestic Violence, Annual Progress Report on the Activities against Domestic Violence, published May 2013. See pg. 11 at http://www.md-ks.net/repository/docs/Final_English_APR_DV.pdf. Financed by UNDP Women's Security and Safety Initiative project.

15 See pg.11 of the Kosovo Programme and Action Plan against Domestic Violence 2011-2014.

16 Ibid.

protect and provide services to victims. (The full list of activities under each pillar and strategic objective is in the Table of the Action Plan under Annex I).

The responsibility to draft the National Strategy and Action Plan against Domestic Violence is derived from the Kosovo Law on Domestic Violence. Under Article 27 of the Law, the MLSW, in cooperation with other relevant ministries, shall be responsible to support and raise the ancillary structures and infrastructure for the Kosovo Programme on Domestic Violence in order to "... support and meet the needs of persons against whom domestic violence is exercised, including social assistance and medical services, in accordance with applicable law..."¹⁷ This article of the Law overlaps with the government decision of July 2012.¹⁸ In this, the Deputy Minister of Justice was appointed to lead the drafting of the Kosovo Programme against Domestic Violence, and as such, hold the default position of National Coordinator against Domestic Violence. Furthermore, the detailed description of the roles and responsibilities of the National Coordinator state that the Coordinator, amongst other responsibilities, will conduct the monitoring of the Action Plan. In contrast, the Action Plan stated that the main responsibility for monitoring the implementation of the NSAPDV lies with the AGE.¹⁹ Even though Article 27 should be amended to follow the infrastructure set out for the implementation of the NSAPDV,²⁰ the main responsibilities remain with the National Coordinator against Domestic Violence and the Coordination Group.

The AGE and the United Nations Kosovo team (UNKT), under the lead of UN Women, have also supported the process of the evaluation. Nevertheless, the main responsibilities of implementing and overseeing the monitoring of the NSAPDV remain with the National Coordinator against Domestic Violence. As listed by the government decision on the Terms of Reference on the Coordinator, his/her responsibilities are a) to lead the process of implementing the Kosovo NSAPDV approved by the government on 25 August 2011; b) to report on the implementation of the NSAPDV before the Government, Assembly and other coordination structures; c) to lead the coordination group and ensure regular meetings by also calling for urgent meetings; and d) to ensure the political willingness of all involved ministries and agencies to support the work of the coordination group focal points.

The main findings, challenges and recommendations from the evaluation will therefore be used for the purpose of overseeing the implementation of the NSAPDV in order to draft the new Action Plan that must be finalised in 2015.

iii) Overview of the Assessment Methodology

The assessment methodology was subject to some limitations. Due to the limited time, the research is not an exhaustive analysis of all activities implemented by Kosovo institutions and other responsible organisations in the implementation of the NSAPDV. The aim of the evaluation was to qualitatively assess the overall level of implementation of the activities in order to identify the main challenges that remain, lessons learned and best practices, and also provide

17 See Kosovo Law on Protection against Domestic Violence, Article 27 Kosovo Programme against Domestic Violence, available at <http://www.assembly-kosova.org/common/docs/ligjet/2010-182-eng.pdf>.

18 See Decision of the Kosovo Government and Terms of Reference on the Appointment of the National Coordinator against Domestic Violence, approved on 11.07.2012, by decision Nr. 04/83. Annex II.

19 See pg. 52 of the National Strategy and Action Plan against Domestic Violence, available at Agency for Gender Equality official website at <http://abgj.rks-gov.net/Portals/0/Programi%20i%20Kosov%C3%ABs%20Kund%C3%ABr%20Dhun%C3%ABs%20n%C3%AB%20Familje%20dhe%20Plani%20i%20veprimit.pdf>.

20 Focus group discussion with the Sub-Working Group on Domestic Violence of the Gender and Security Coordination Group, held by UN Women researcher on the evaluation of the NSAPDV and OSCE Mission in Kosovo, July 3, 2015 in Pristina.

options for the way forward. The in-depth quantitative analysis of the activity implementation plan is the continuous role of the Kosovo National Coordinator against Domestic Violence in accordance with their monitoring role. Thus, to guarantee ownership of this process, this assessment should be conducted on a regular basis, as per the detailed description of the Terms of the Reference by the Government Decision Nr. 04/83 (see Annex II).

The evaluation was adapted to meet the needs of the respondents, including members of the coordination mechanisms on domestic violence in three pilot projects supported by the UNKT Gjilan/Gnjilane, Gjakova/Đakovica, and Dragash/s. Furthermore, the research identified and arranged meetings with the participants of the Security and Gender Group (SGG) Sub-group on Gender-based Violence and other institutional mechanisms at the central level with the mandate to work on domestic violence cases in Kosovo. The research was also able to consult domestic violence activities in the additional municipalities of Pristina and Gračanica/Gračanicë. The purpose of this was to analyse the response level in the municipalities without formalised coordination mechanisms and evaluate lessons learned from the formal mechanisms based on a process of comparison. The findings from this process provided input for the 'lessons learned' chapter of the final report. The evaluation began in June 2015 and ended by mid-July 2015, with approximately 50 respondents consulted during the assessment period.²¹ The evaluation also consisted of semi-structured interviews with representatives from the key institutions mandated to implement the NSAPDV. The full list of respondents is available in the Annex section of this report.

The qualitative analysis below was based on semi-structured interviews with key stakeholders mandated to deliver on domestic violence responsibilities as per the former NSAPDV. The analysis and evaluation of the Victim's Advocates role and of the criminal justice component on domestic violence cases has been purposefully omitted. This analysis will be summarised in a later stage prior to the drafting of the future Strategy and Action Plan in coordination with the requests of the National Coordinator against Domestic Violence.²² The analysis below is primarily focused on the main challenges identified in the former NSAPDV. The overall implementation level of the strategy, which was also used as a basis for discussion with the focus groups, the list of activities reflecting the level of implementation and the researcher's observations on implementation levels can be found within the Action Plan Table in Annex I.

21 The evaluation organised a discussion group with the members of the Municipal Coordination Mechanisms on Domestic Violence from Dragash/s, Gjakova/Đakovica and Gjilan/Gnjilane municipalities supported by the UN Kosovo team Joint Programme on Domestic Violence in Prizren, 16 June 2015. Another focus group discussion was organised and delivered under the support of the OSCE Mission in Kosovo and UN Women, with the members of the Sub-Working Group on Gender-Based Violence part of the Security and Gender Coordination Group. The group coordinates the effort to promote gender equality in Kosovo. Composed of national institutions (police, government agencies), women's organizations, EUSR, EULEX, OSCE, NATO and UN agencies. See Mapping of local initiatives on Women, Peace and Security in Kosovo 1999-2012, UNDP Office in Kosovo website at http://www.undp.org/content/dam/kosovo/docs/womenPub/UNDP_ENG_FINAL.p

22 Sub-working group on gender-based violence of the Security and Gender Coordination Group meeting conclusions with the National Coordinator June 2015.

II. MAIN CHALLENGES ENLISTED BY THE FORMER STRATEGY AND ACTION PLAN (2011-2014)²³

The main challenges of the National Strategy and Action Plan against Domestic Violence (2011-2014) are listed below, based on the findings of three research papers. The drafting of the NSAPDV was substantiated by factual analysis including quantitative and qualitative research in the form of published reports, including a) “Security begins at Home: Research to Inform the First National Strategy and Action Plan against Domestic Violence in Kosovo (2008),” b) “More than words on Paper: the Response of justice providers to domestic violence in Kosovo (2009)” and c) “Research on the impact of violence on the reproductive rights of women in Kosovo (2008).”²⁴ The following evaluation focuses on the qualitative analysis of the implementation of the critical areas as covered by the former NSAPDV.

i) Critical Issues in Understanding and Implementing the Legal Framework

- Judges’, prosecutors’ and lawyers’ knowledge on and enforcement of international conventions is limited,
- There is limited use of the measures obligated by protection orders as foreseen by the regulation on protection against domestic violence,
- The measures issued through protection orders are poorly justified in the courts,
- Kosovo institutions pay limited attention to the implementation of protection orders,
- Professional capacities are limited in relation to the handling of domestic violence cases,
- Generally, citizens hold limited trust in the judicial system,
- Acts of domestic violence against children, the elderly and disabled persons remain underreported.

ii) Critical issues in the Functioning of Institutional Mechanisms

- Kosovo does not have the necessary infrastructure to protect and support women and children victims of domestic violence,
- There is weak coordination and collaboration between the Agency for Gender Equality and Municipal Officers for Gender Equality,
- There exists a lack of human resources and professional capacities to prevent, and provide services to victims of, domestic violence,
- Important law enforcement institutions do not consider domestic violence as a priority,
- Centres for Social Work, although mandated to include assistance and support to victims, are often passive in offering assistance in cases of domestic violence,
- Institutions face operative and logistical challenges,
- There is a lack of cooperation among relevant institutions,
- Gaps exist in the referral system during the process of assisting victims of domestic violence,

²³ Original taken from the Strategy and Action Plan against Domestic Violence, pages 36 to 43. English text adapted from Albanian by UNWOMEN consultant. See <http://abgj.rks-gov.net/Portals/0/Programi%20i%20Kosov%20Kund%20Kund%20Kund%20Dhun%20n%20n%20n%20Famij%20dhe%20Plani%20i%20veprimit.pdf>

²⁴ The first two reports researched by Kosovo Women’s Network for Government of Kosovo supported by UNDP and Government of Finland, and UNDP Women’s Safety and Security Initiative project. The latter was supported by UNFPA office in Kosovo and also researched by Kosovo Women’s Network.

- There are insufficient services for victims of domestic violence, and those that exist are often of poor quality,
- There is a low level of domestic violence awareness among service providers.

The National Strategy and Action Plan against Domestic Violence also foresaw a number of strategic and specific objectives to address the abovementioned legal, policy and structural deficiencies. Listed below are the specific objectives of the NSAPDV 2011-2014.

III. STRATEGIC AND SPECIFIC OBJECTIVES

Specific objective 1 - PREVENTION AND INCLUSION

To establish efficient and comprehensive mechanisms for prevention of domestic violence by 2013²⁵

Specific objective 1.1 To draft policies at the central and local levels for the prevention of and protection from domestic violence, and for the provision of services to victims and perpetrators of domestic violence

Specific objective 1.2 To sensitize the society on domestic violence

Specific objective 1.3 To establish mechanisms for education and awareness raising of youth on domestic violence

Specific objective 1.4 To increase the number of reported cases of domestic violence

Specific objective 2 - PROTECTION

To ensure efficient protection mechanisms for victims of domestic violence by 2013

Specific objective 2.1 To ensure efficient services for the physical protection of victims of domestic violence throughout the territory of Kosovo

Specific objective 2.2 To build the capacities of stakeholders (police, prosecution, courts and Centers for Social Work) to handle domestic violence

Specific objective 2.3 To ensure legal aid for victims of domestic violence, free of charge

Specific objective 3 - SERVICES

To ensure efficient services for the rehabilitation and reintegration of victims and perpetrators of domestic violence throughout the territory of Kosovo, and improve access to those services

Specific Objective 3.1 To build and strengthen the capacities of health care workers, and social service and educational staff, to provide services to victims of domestic violence

Specific objective 3.2 To improve economic support policies to aid the victims and perpetrators of violence

Specific objective 3.3 To build and strengthen social services (health, educational, social, economic and legal) for victims and perpetrators of domestic violence

Formulation of policies and programmes for every sector²⁶

The national program against domestic violence also aims to improve the access to services for victims of domestic violence for the purpose of preventing violence, protecting victims, and sanctioning and rehabilitating perpetrators. The Action Plan activities foreseen to achieve these aims are listed with the levels of implementation in Section VI.

²⁵ The narrative text of the NSAPDV refers to the year 2013 whilst the table objective refers to 2014.

²⁶ Section 4.2 of the NSAPDV (2011 – 2014).

IV. MAIN FINDINGS

i) Critical Issues in Understanding and Implementing the Legal Framework

The analysis below provides an overview of the activity implementation level based on the three pillars of prevention, protection and support, and reintegration framework. The activities listed below are not an exhaustive list of activities undertaken to implement the NSAPDV 2011-2014. As reporting from institutions only occurred when they provided the input for the 2012 annual report to the National Coordinator against Domestic Violence, the list remains limited.²⁷ The analysis provided is based on the input from institutions as a result of the requests for evaluation supported by the UN Women office in Kosovo, in close coordination with the National Coordinator against Domestic Violence.

1. In general, the Kosovo judiciary and victims of domestic violence have limited knowledge of the international conventions and of their direct applicability in Kosovo's legislation. Under the Kosovo constitution, in cases of conflicting laws, international conventions have direct applicability to domestic legislation.²⁸ A ground breaking decision on the use of international human rights case law occurred in 2012 in the case of Diana Kastrati whereby the Constitutional Court of Kosovo referenced the analysis of the United Nations Convention on All Forms of Discrimination against Women (CEDAW) in its decision. The decision stated that the delay in issuing the protection order for Diana Kastrati on behalf of the Pristina Municipal Court put her life at risk, did not provide the necessary protections, and thus lead to her shooting and death by her ex-husband. The court found that delays in issuing of protection orders are a human rights violation as it denies the person's right to life and right to effective remedy, as guaranteed by international conventions.²⁹ Furthermore, the case mobilized a response from the Kosovo Judicial Council (KJC) that requires that protection orders in cases of domestic violence, issued by Kosovo courts, be in accordance with the exact timelines foreseen under the Kosovo Law against Domestic Violence. The Kosovo Judicial Institute also ordered the prioritization of domestic violence cases in courts in accordance with the deadlines foreseen by the Kosovo Law against Domestic Violence, as per KJC Nr. 22/2012. The prioritisation of domestic violence cases, and orders by the KJC to request prompt response by Kosovo courts, has influenced the level of implementation and understanding of domestic violence legislation. However, the level of recognition and enforcement of international conventions by judges, prosecutors and lawyers is still limited. For example, in civil court proceedings, the issue of PO is commonly seen as a substitute for prosecution, with the reconciliation of victims often considered preferable by the courts despite the legal requirements.³⁰

27 See Activities against Domestic Violence in Kosovo, annual progress report 2012, published May 2013 by the Office of the National Coordinator against Domestic Violence, Mr. Daut Xhemajli, Vice-Minister of Justice, and supported by UNDP office in Kosovo. Available at http://www.md-ks.net/repository/docs/Final_English_APR_DV.pdf

28 See Kosovo Constitution, Article 22.

29 The Constitutional Court Judgement No. KI 41/12 with applicants Gezim and Makfire Kastrati against Municipal Court in Pristina and Kosovo Judicial Council.

30 Email communication with EULEX Gender Advisor, July 2015.

2. In 2014, the Agency for Gender Equality drafted the Commentary of the Law on Protection against Domestic Violence with the support of the OSCE Mission in Kosovo, in order to further understand and implement the legal framework in Kosovo.³¹ The commentary was intended for judicial personnel, including judges and prosecutors, and for training purposes in order to enhance the implementation of the Kosovo Law on Domestic Violence. Nevertheless, a forthcoming research on gender-based violence led by Kosovo Women's Network,³² targeting more than 1,000 respondents, has shown that the courts continue to use international case law and have poor knowledge of laws and of international conventions. Overall, there seems to be an improvement in the timelines for the issue of protection orders, despite the Kosovo Constitutional Court decision on the Diana Kastrati case and the issues raised by the KJC guidelines. However, the use and knowledge of international human rights law directly applicable in Kosovo's legislation is still limited. Further activities are necessary to raise the awareness of judicial structures on international human rights standards and the usage of case law deriving from the international conventions.

3. Kosovo institutions undertook a number of initiatives to implement the legal framework on domestic violence as required by the NSAPDV and the Kosovo Law on Domestic Violence. The Prime Minister of the Republic of Kosovo (in 2012) and the Ministry of Health (in 2013), drafted and adopted two sub-legal acts to implement the Kosovo Law on Domestic Violence. The government also drafted and adopted Administrative Instruction Nr. 12/2012 on determining the location and methods of psychosocial treatment for perpetrators of domestic violence. Administrative Instruction Nr. 02/2013 on the treatment methods for perpetrators of domestic violence imposed mandatory treatment of alcoholism and addiction to psychotropic substances.³³ These sub-legal acts also call for the creation and licensing of NGOs and/or government agencies that provide health and social services, so as to ensure the mandatory treatments ordered by the courts by developing appropriate infrastructure at the municipal level.³⁴ However, the implementation of these administrative instructions remains limited in practice at both the central and local levels.³⁵ Special treatment for perpetrators of domestic violence with alcohol or drug addiction, or those in need of psychosocial support, is currently not offered.³⁶ Few perpetrators have been treated in primary hospitals and the Ministry of Health must still raise ancillary infrastructure to implement Administrative Instruction 02/2013. Furthermore, the perpetrators that were treated in primary hospital facilities did not undergo any follow-up treatments once outside of the facilities.³⁷ Overall, the implementation of these two major sub-acts, adopted for perpetrators of domestic violence, have had minimal implementation levels due to a complete lack of infrastructure.

31 See AGE Commentary on the Law on Protection against Domestic Violence, available at <http://abgj.rks-gov.net/Portals/0/Komentari%20i%20Ligjit%20p%C3%ABr%20Mbrojtje%20nga%20Dhuna%20n%C3%AB%20Familje%20-Shqip.pdf>.

32 KWN representative at the focus group discussion of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina.

33 See AI Nr. 12/2012, available at: http://www.kryeministri-ks.net/repository/docs/UA_per_trajtimin_psiko-social_te_kryersve_te_dhunes_ne_familje_10.09.pdf. See also AI Nr. 02/2013, available at: <http://msh-ks.org/wp-content/uploads/2013/11/Udhezim%20Administrativ%2002-2013.pdf>.

34 See Article 8, paragraph 3 of the AI Nr. 12/2012.

35 Focus group discussions with members of the Municipal Coordination Mechanisms on Domestic Violence from Dragash, Gjilan/Gnjilane and Gjakova/Đakovica, 16 June 2015 in Prizren.

36 Focus group discussions with the members of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina.

37 Ibid.

4. In order to enhance the level of knowledge on, and implementation of the legal framework and of, the Kosovo Law against Domestic Violence specifically, the Kosovo government drafted and adopted the Standard Operating Procedures (SOP)'s for Protection from Domestic Violence in Kosovo under the lead of the AGE in 2013.³⁸ This policy document offers a detailed description of the roles and responsibilities of police, social workers, Victim's Advocates, judges, teachers, health care providers, prosecutors and shelter staff, in identifying, referring and also assisting victims of domestic violence. Trainings were delivered to enhance the professional delivery of the SOP's by 2014. Between 2011 and 2014, the MLSW provided two copies of the original SOP's to 38 municipalities with a total of 80 copies being distributed.³⁹ Also during 2014, the AGE and the OSCE Mission in Kosovo, with the support of the MLSW and other stakeholders, trained more than 200 social workers, police officers and Victim's Advocates on the content and procedures of the SOP.⁴⁰ Additionally, the MLSW drafted and adopted 'Minimal Standards for Social Workers in Assisting Victims of Domestic Violence.' A considerable majority of social workers were provided with one-day trainings during 2013 related to the implementation of relevant minimal standards and legal requirements for assisting victims of domestic violence.⁴¹ Nevertheless, the forthcoming 2015 Kosovo Women's Network research on gender-based violence shows that police and social workers continue to have minimal knowledge of the legal framework, including on the Kosovo Law against Domestic Violence.⁴² Additionally, the limited knowledge on measures to be issued by the protection orders result in the predominant usage of, and request for, Measures 1 and 2 under the law. In comparison, measures other than these are provided on a much less frequent basis.⁴³ The lack of knowledge of the measures requested and issued by the protection orders impacts the level of implementation of the Kosovo Law against Domestic Violence.

5. In order to improve the understanding and implementation of the relevant legal framework on domestic violence, the State Prosecutors Office of Kosovo, under the lead of the Victim Advocacy and Assistance Office (VAAO), drafted request forms for the issue of protection orders. The request forms detail the information to be provided on the applicant, the measures to be requested and the circumstances that are relevant for the issue of protection orders.⁴⁴ Requests for the issue of protection orders did not previously provide detailed explanations on the protection measures that may be petitioned.⁴⁵ In comparison, findings from forthcoming KWN research (2015) show that the VAAO perceive the drafting of the request forms as having enhanced the number of measures requested by the applicants and diversified its usage.⁴⁶ A thorough analysis of its implementation in practice remains to be performed. Nevertheless, the adoption of the request form for the issue of protection orders is an improvement undertaken by

38 See Standard Operating Procedures (SOP)'s for Protection from Domestic Violence in Kosovo, adopted in 2013. Available at http://www.psh-ks.net/repository/docs/Procedurat_Standarde_te_Veprimit_per_Mbrojtje_nga_Dhuna_ne_Familje.pdf

39 E-mail communication with MSLW representative, July 2015.

40 See "OSCE concludes training for responders to domestic violence in Kosovo," at <http://www.osce.org/kosovo/129891>

41 Interview by researcher with MLSW Domestic Violence Focal Point, July 2015.

42 Preliminary findings on the extent of Gender-based violence in Kosovo, 2015, Kosovo Women's Network e-mail communication with researcher, July 2015.

43 Input from Kosovo Women's Network researcher, E-mail communication in July 2015.

44 See Kosovo State Prosecutor, Victims Advocacy and Assistance Office, at: http://www.psh-ks.net/repository/docs/Declaration_of_damages.pdf.

45 Input from Kosovo Women's Network research, E-mail communication in July 2015.

46 Interview with Victim's Advocate Manager, July 2015.

Kosovo institutions to enhance the understanding and implementation of the legal framework against domestic violence.

6. In order to improve the level of knowledge on the domestic violence legislation, the VAAO within the State Prosecutor has drafted and adopted a form for the declaration of damages. The aim of the form is to clarify the damages suffered by the victims and request compensation by filing a declaration of damages in criminal proceedings.⁴⁷ The form is also available online on the official State Prosecutor's website. The form details the procedures for victims to declare the damages suffered during acts of domestic violence.⁴⁸ The extent to which damages are claimed and compensated remains unknown at present.

7. With regard to the critical topic of implementing the legal framework, the challenge of delays in the issue of protection orders, including the issue of lenient sentences for recidivists and violators of protection orders, has evidenced only slight improvements. The majority of basic courts in Kosovo have appointed judges to prioritise the issue of protection orders after KJC decision Nr. 22/2012.⁴⁹ However, implementation problems remain in cases when specialised judges are on leave or enter pension. In these cases, there are reports of delays in the issue of protection orders.⁵⁰ With regard to the improved system of evaluating recidivist cases, and issue of sentences in accordance with the Kosovo Law on Domestic Violence, there are no improvements.⁵¹ Furthermore, the violation of a protection order very rarely becomes a criminal offence and thus is not identified as a recidivist case, leading to a failure in executing appropriate sentences in accordance with the requirements of the Kosovo Law against Domestic Violence. There are no clear guidelines for practitioners working in the rule of law area on how to handle and monitor protection orders and their violations, to whom the victim should report violations of the protection orders, and how the police should handle these cases.⁵²

8. The drafting and adoption of the pre-set form by the VAAO, known as the Request Form for Issuance of Protection Orders, has addressed the challenge of realizing appropriate and detailed justification for measures provided for by protection orders, as requested by the former NSAPDV. This development has partially improved the implementation of this NSAPDV requirement.

9. Limited professional capacities to handle domestic violence cases continue to present a challenge. Even though there have been substantial improvements in the institutional knowledge of the laws and international human rights standards, some key challenges remain in the implementation of the same. Furthermore, the low reporting rate of domestic violence against children, the elderly and disabled persons, remains a critical issue. Figures show a constant increase in reports of violent acts against the elderly and amongst male members of the family.⁵³ However, the protection and assistance of domestic violence cases involving children remain problematic. For example, even though child-friendly interview rooms have been specifically

47 Article 218, *ibid*, p. 22.

48 See http://www.psh-ks.net/repository/docs/Deklarate_mbi_demin.pdf.

49 See Kosovo Judicial Council decision, 58th meeting of the KJC March 2012.

50 Focus group discussions with the members of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina

51 Focus group discussions with the members of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina.

52 Email communication with EULEX Gender Adviser, July 2015.

53 Kosovo Police data, available in UNWOMEN final evaluation report, July 2015.

designed and supported in six Kosovo Police stations, their usage remained limited when monitored by UNICEF in 2014.⁵⁴ Although minimal standards have been developed and implemented by social services,⁵⁵ the overall view of agencies working with children is that assistance focusing on children's best interests needs improvement and should be addressed by drafting a specific chapter on assisting and protecting child victims of domestic violence in the next NSAPDV.⁵⁶

ii) Critical Issues in the Functioning of Institutional Mechanisms against Domestic Violence

1. Kosovo's infrastructure to assist and protect women and children victims of domestic violence has improved. Kosovo has undergone an extensive process of licensing social workers' capacities and developing the minimal standards of social service provision in five main areas.⁵⁷ Only recently has the licensing of domestic violence services provided by NGO's been finalised.⁵⁸ The licensing was conducted in accordance with the requirements of the Kosovo Law on Family and Social Services to enhance the professional capacities of service providers.⁵⁹ Under this law, NGOs that offer social services must be registered and adhere to certain standards of licensing set out by the Department of Social Welfare.⁶⁰

2. Furthermore, under the new Kosovo Criminal Code and Criminal Procedure Code, the Victim's Advocates have been transferred to the Kosovo State Prosecutor Office from the Kosovo Ministry of Justice. They are also foreseen to act as the authorised representatives of victims of crimes, including domestic violence victims, in a court of law.⁶¹ This has increased the level of access of victims to legal remedies. However, the quality of the implementation of these services remains to be evaluated. Furthermore, Kosovo has continued to provide financial assistance to shelters offering services to victims of domestic violence on annual basis throughout the implementation period of the former NSAPDV. Nevertheless, shelter providers, as licensed service providers by the MLSW, continue to object to the minimal coverage of expenses by the government. The financial assistance does not sufficiently cover the salaries of the professional staff, leaving NGOs that run shelters dependent on the donor community to pay for staff, utilities and other costs.⁶² In few municipalities, support has been offered to shelters. For example, in Gjilan/Gnjilane and Pristina, the building is provided to the shelters. In the 2014 pre-election period, the GoK agreed to one-time support by the Prime Minister to all funding needs of the NGOs.⁶³ Nevertheless, the full-time needs of the NGOs should be accordingly re-evaluated by

54 Researchers interview with UNICEF Focal Point on Gender Based Violence, July 2015 in Pristina. There were 6 interview rooms developed and donated to the KP for creating child-friendly interview environments out of 48 police stations.

55 Research interview with MLSW Domestic Violence Focal Point, July 2015.

56 Ibid. See also Baseline Survey Study on GBV and Domestic Violence in Dragash/š, Gjilan/Gnjilane and Gjakova/Đakovica municipalities, 2013, UNICEF.

57 See pg. 18 of the European Partnership Action Plan, December 2012, available at http://www.mei-ks.net/repository/docs/European_Partnership_Action_Plan_2012.pdf

58 Research interview with MLSW Domestic Violence Focal Point, July 2015.

59 See Article 8.3 of the Kosovo Law on Family and Social Services, 2005. Available at http://www.kuvend-ikosoves.org/common/docs/ligjet/2005_02-L17_en.pdf

60 Ibid.

61 See Kosovo Criminal Procedure Code, Article 63 available at http://www.kuvendikosoves.org/common/docs/ligjet/2005_02-L17_en.pdf

62 Interview with member of Shelter Coalition of NGO's, 16 of June 2015, in Prizren.

63 Ibid.

the government when drafting the new NSAPDV, including jointly drafted criticisms on the levels of funding and support.

3. The MLSW has also developed the criteria on licensing of social workers in accordance with the requirements of the Law on Family and Social Services.⁶⁴ During 2013-2014, the Ministry licensed all social workers by also registering these professionals on the Register on Social and Family Services.⁶⁵ The licensing was also a means used by the ministry of evaluating and monitoring the level of performance of social workers and work with vulnerable victims, including victims of domestic violence.

4. As of 2003, the Victim's Advocates represented domestic violence victims' interests in general, as foreseen under the provisional criminal codes. However, with the new Criminal Code and Criminal Procedures Codes of Kosovo that entered into force in 2013,⁶⁶ the Victim's Advocates have also broadened their role to include the representation of victims in the courts and have the right to request the protection of victims' rights on their behalf. Even though there has been criticism of the role of the Victim's Advocates in representing all victims of crime in the courts, as it seems to stretch the human resource capacities of the Victim's Advocates, the majority of cases covered in 2014 were related to domestic violence cases.⁶⁷ Nevertheless, there is valid criticism that the Victim's Advocates still struggle to maintain a common understanding on their duties and responsibilities in cases of domestic violence, in particular after the change of their mandate based on the new Criminal Code.⁶⁸ A further review of the role and practical implementation of Victim's Advocates mandate is needed, and their new roles and responsibilities, in accordance to the new Criminal Code and Criminal Procedure Code, should be reflected in the SOP's.

5. Under the lead of the UNDP Office in Kosovo as donor, an additional five legal aid offices were supported throughout Kosovo in order to provide effective legal remedies for vulnerable groups, including victims of domestic violence. Furthermore, in 2012, the Kosovo Law on Legal Aid listed domestic violence victims as an eligible category to apply for free legal aid.⁶⁹ Nevertheless, five legal aid offices supported by UNDP and transferred to the GoK, have now been closed. This has been observed as a failure of Kosovo institutions to continue supporting the free legal access and right to effective remedies for vulnerable groups, including victims of domestic violence.⁷⁰ The continuation of such support involves minimal budgetary expenses and is critical in order permit access to free legal remedies for victims for domestic violence, especially in rural areas.⁷¹ Nevertheless, as donor initiatives often seem unsustainable, the GoK should play a greater role in the support of domestic violence victims and consider re-opening these offices as part of the activities of the upcoming NSAPDV. Furthermore, the GoK should

64 See Article 1 of the Kosovo Law on Family and Social Services, 2005. Available at http://www.kuvend-ikosoves.org/common/docs/ligjet/2005_02-L17_en.pdf

65 Researchers interview with MLSW Domestic Violence Focal Point, July 2015.

66 See the criminal codes available at www.legislationline.org/documents/id/17771

67 Exact figures available with UNWOMEN. Interview with the Victim's Advocacy and Assistance Office Manager, July 2015.

68 Email communication/interview with EULEX Gender Adviser, July 2015.

69 See Article 31 of the Kosovo Law on Free Legal Aid, available at [http://www.md-ks.net/repository/docs/Ligji_per_ndihme_juridike_falas_\(anglisht\).pdf](http://www.md-ks.net/repository/docs/Ligji_per_ndihme_juridike_falas_(anglisht).pdf)

70 Conclusions from the presentation of preliminary findings with National Coordinator against Domestic Violence, 13 July 2015.

71 Focus group discussion with legal aid officer, Coordination Mechanism on Domestic Violence in Dragash/š, Gjilan/Gnjilane and Gjakova/Đakovica municipalities, 18 of June 2015 in Prizren.

take into account that any future interventions should be obligatorily supported through Kosovo budget funding.

6. In general, there is a need for improving data collection on crimes related to gender-based violence. For example, regular monitoring by the EULEX Kosovo Gender Advisors between 2011 and 2014 produced a report in which data collection on crimes related to gender-based violence were analysed across rule of law institutions in Kosovo. The internal report identified gaps and provided recommendations on the improvement of data collection for crimes related to gender-based violence. EULEX Kosovo recommended that Kosovo institutions should provide sex-disaggregated data for perpetrators and victims of crime, data on the relationship between the victim and the perpetrator, and data on the type of crime according to well defined categories amongst all of the Rule of Law institutions.⁷² So far, such coordination on data collection seems to be non-existent, with no database on cases of domestic violence shared among all relevant institutions.

7. The logistical and operative needs of institutions relevant to domestic violence remain a challenge. Social workers often complain about the lack of infrastructure required to protect and support women, men and children victims of domestic violence.⁷³ For example, when emergency cases are reported, victims of domestic violence may often require to be assisted with hygienic kits, clothes or food. In this regard, CSWs have been decentralised and funding from the central level (i.e. the MLSW) is only channelled through social assistance needs. However, social services are advised to develop further plans for support at the municipal level.⁷⁴ Furthermore, the MLSW in coordination with the CSW's should seek means of addressing emergency and long-term needs of victims, in close cooperation with the municipalities and central level institutions. The aim of this is to identify means to provide an appropriate budget to implement activities related to the support of victims in the next NSAPDV. Additionally, social workers complain that the transportation of victims by CSW's remains an issue. Alternative and innovative support should be identified, such as in the Municipality of Pristina where taxi expenses for social workers are paid in cases of emergencies.⁷⁵ Furthermore, the level of coordination and memorandums of understandings between municipalities to jointly assist victims of domestic violence within Kosovo's different regions remains a challenge. There are no known examples of inter-municipal agreements in assisting domestic violence victims. This is especially worrying as only 7 municipalities support shelters that cover the needs of all Kosovo regions.

8. A number of best practices warrant mentioning. For example, the Ministry of Education, Science and Technology budgeted for psychologists to counsel students generally. Two to three psychologists have been appointed in each municipality, as shown by KWN's forthcoming research on gender-based violence (2015). Kosovo Police clearly earmarked funding for specialised units and adopted SOPs for policing. The MLSW and Ministry of Justice provided partial funding for shelters with a number of specialised judges prioritising domestic violence cases.

72 Email communication with EULEX Gender Advisor, July 2015.

73 Focus group discussions, Coordination Mechanism on Domestic Violence in Dragash/š, Gjilan/Gnjilane and Gjakova/Đakovica municipalities, 18 of June 2015 in Prizren

74 Researcher interview with UNICEF representative, July 2015.

75 Researcher email communication with Pristina municipality representative, July 2015.

9. Even though there are overall improvements in the functioning of the institutional mechanisms against domestic violence, and partial improvements in implementation, many challenges remain in providing effective assistance and protection for victims. For example, in 2012 and 2013, the OSCE Mission in Kosovo provided extensive trainings on improving responses to domestic violence by providing trainings to social workers, Victim's Advocates, Kosovo Police, health workers and civil society at local levels, on the implementation of the SOP. In addition, there were six movie screenings in the Peja/Peć region on gender-based violence, a topical radio show and the training of medical staff on how to treat domestic violence cases.⁷⁶ Nevertheless, it would be advisable that institutions also develop brief and precise protocols on how to handle domestic violence cases beyond the SOP.⁷⁷ In particular, institutions should also seek to increase their accountability. Practitioners, such as police, prosecutors and judges, should be able and active to punish the lack of accountability that ensues when domestic violence cases are not promptly responded to. For example, it would be advisable that the failure of the police, prosecutors and judges to act promptly on domestic violence cases is reported immediately and considered a criminal offence if not reported.⁷⁸

10. Finally, coordination seems to remain a challenge to the effective functioning of institutional mechanisms that provide assistance and protection to victims of domestic violence. The meetings of the Inter-Ministerial Group on Domestic Violence have not occurred regularly as foreseen by the Terms of Reference of the Office of the National Coordinator.⁷⁹ Furthermore, the lack of ownership and sustainability of the secretariat/logistics office, depending solely on donors, should be a lesson learned from the former NSAPDV. In these cases, a feasible option would be to support a secretariat position through Kosovo's budget and follow suit from examples provided by the national mechanism on anti-trafficking in Kosovo. This mechanism has appointed a permanent full-time staff member with funding from the government to support the National Coordinator. A qualified civil servant position should also be created to ensure continuity despite potential political changes (see also KWN research, forthcoming, 2015).

iii) Support, Treatment and Reintegration Services

The reintegration of victims of domestic violence seems to be the main challenge agreed upon amongst all participants of the evaluation. Victims are dependent on their family members in the majority of cases due to the lack of employment opportunities and the social and traditional discriminatory practices. There is also a lack of long-term assistance and rehabilitation services for the victims of domestic violence. This frequently restricts victims' choices and forces them to return to their violent partner.⁸⁰ Often institutions falsely interpret this as part of their role to reconcile the involved parties.⁸¹ The GoK has also provided only minimal budgetary support for reintegration services. In 2012 for example, the government re-allocated approximately 10% of its funding for reintegration in order to implement the legal framework

76 Interview with OSCE representative, June 2015.

77 Focus group discussion recommendations, with members of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina.

78 Email communication with EULEX Gender Advisor, July 2015

79 Focus group discussion recommendations, with members of the sub-working group on Gender-Based Violence, 3 July 2015 Pristina.

80 Email communication with EULEX Gender Advisor, July 2015.

81 Ibid.

related to domestic violence. The rehabilitation and reintegration costs that remained were only €399,585 out of €3,060,116 Euros. Similarly, funding was divided by 13% in the year 2012.⁸²

Few municipalities have been more active than those with Municipal Coordination Mechanisms on domestic violence supported by the United Nations Kosovo Team. Nevertheless, all municipalities should seek to find long-term political will to support domestic violence related activities, even after donor support will eventually end. The future Action Plan should also support the creation and replication of such models at the municipal level. In areas where these activities may seem too ambitious, methods of regional cooperation between municipalities should be identified and Memorandums of Understanding should be drafted on the inter-municipal cooperation. This activity has not been implemented so far. Upon the implementation of this activity, joint-municipality funding could solve the need to address long-term funding of shelters and joint municipal shelter funding. This would fit in line with the Law on Family and Social Services and the Law on Local Self-government requirements. The inter-municipal agreements should also seek to address the need for funding of programmes for employment and the educational training for domestic violence victims.

Finally, the municipal model of the coordination mechanisms in drafting municipal action plans on gender equality or domestic violence should also specifically address the needs of victims of domestic violence on the longer-term, including rehabilitation and reintegration through the specific tools of coaching, training and employment opportunities. Only then will victim become empowered to decide to break free from dangerous violent situations within their families.

iv) Additional Challenges: Budget Calculations for the Future NSAPDV

The former NSAPDV was based only on approximate estimations of budget expenses for the implementation of the Action Plan. It provided for a total budget of €2,414,560, out of which €1,612,854 should be obtained from the Kosovo budget and €780,196 by international donors. The specific breakdown of budget expenses is missing, with activities only sometimes listing the responsible institutions. Furthermore, the timeframes are general without specific calculations. (Forthcoming KWN report 2015).

Nevertheless, an exhaustive calculation of the activities implemented should occur under the direct lead and supervision of the National Co-ordinator against Domestic Violence, as listed under the Terms of Reference,⁸³ prior to the drafting process of the new Strategy and Action Plan against Domestic Violence planned for the end of 2015. For example, in 2011 alone the GoK had spent at least €3,060,116 to primarily address the protection needs of domestic violence victims, out of which more than one million Euros were provided by donors (37.2%).⁸⁴

In sum, services related to domestic violence in 2011 cost the Kosovo state €1.76 Euros per capita while the cost per person in taxes was €1.11. More than 80% of the costs covered by the GoK were directed to protection and prevention related activities. Rehabilitation and reintegration costs amounted to only €399,585 out of €3,060,116 in the year 2012. The domestic

⁸² Kosovo Women's Network for UNDP Office in Kosovo, At What Cost: Budgeting for the Implementation of the Legal Framework against Domestic Violence in Kosovo, pg. 1. Available at <http://www.womensnetwork.org/documents/20130405120224756.pdf>

⁸³ See TOR's duties and responsibilities, Annex section.

⁸⁴ Kosovo Women's Network for UNDP Office in Kosovo, At What Cost: Budgeting for the Implementation of the Legal Framework against Domestic Violence in Kosovo, pg. 1. Available at <http://www.womensnetwork.org/documents/20130405120224756.pdf>

violence costs were estimated to be higher due to the establishment of the SOP. However, the government's real costs as a result of domestic violence provision are annually unknown due to a lack of knowledge on behalf of the institutions on the complete responsibilities and activities implemented by, and regularly reported to, the National Coordinators office. In particular, insufficient coordination between budget, programme and Gender Equality Officers remains a valid concern.⁸⁵ Nevertheless, the former NSAPDV designated a total of €2,414,560 for its near 48-month implementation plan. This shows that budget estimations have been very low in comparison to the annual expenses provided by the GoK, or the calculations made by KWN's research on the budget expenses for domestic violence in 2011. It would be advisable for the next NSAPDV to contain more accurate estimations in order to reflect the real expenditures of the GoK on domestic violence activities.

V. CONCLUSION & THE WAY FORWARD

Based on the findings presented above, a number of policy options to be addressed during the drafting of the next Strategy and Action Plan against Domestic Violence are outlined:

- Indicators listed in the Action Plan table are only provided at the activity level, and do not specify the strategic objective or specific objective levels. Therefore, the impacts measured could be only short-term, and through activity-level measurements. Furthermore, the upcoming KWN research on gender-based violence affirms that the indicators have proven difficult to measure progress on due to the many actors involved in implementing them.
- Central mechanism data was neither collected nor analysed, with the exception of the report from the National Coordinator against Domestic Violence in 2012. Nevertheless, the exercise of gathering information from members of the Coordination Group on the implementation of the NSAPDV on a continuous and regular quarterly basis would be too ambitious.
- A number of indicators list several institutions as broadly responsible, such as 'local and central institutions' or 'private actors'. As no institution is enlisted as being the primarily responsible agency, this has made monitoring difficult and has created a potential overlap in responsibility. It also allows actors to deny responsibility in some instances (KWN research, forthcoming, 2015).
- Further activities are needed to raise awareness among judicial structures on international human rights standards and the use of case law deriving from the international conventions.
- The two major sub-legal acts adopted for perpetrators of domestic violence, and their treatment if facing drug and alcohol addictions, have had minimal implementation due to the complete lack of necessary infrastructure. The responsible institutions, such as the Ministry of Health, should allocate the necessary funding and/or infrastructure to implement the sub-legal act by also including this activity within the next Strategy and Action Plan against Domestic Violence.
- In particular, the accountability of relevant institutions, such as Kosovo police, prosecutors and judges, should be increased and there should be punishment for any lack of

⁸⁵ Kosovo Women's Network for UNDP Office in Kosovo, At What Cost: Budgeting for the Implementation of the Legal Framework against Domestic Violence in Kosovo, pg. 1. Available at <http://www.womensnetwork.org/documents/20130405120224756.pdf>

their accountability when failing to address domestic violence cases promptly. For example, it would be advisable that these crimes are reported immediately and considered to be a criminal offence if not reported.

- In several instances, the indicators of the former NSAPDV were found to be too general and difficult to measure. The Office of the National Coordinator and their respective Secretariat should regularly monitor the indicators. The lack of ownership and sustainability of the secretariat/logistics office, depending solely on donors, should be a lesson learned from the former NSAPDV. In this case, a feasible option would be to support a secretariat position from Kosovo's budget and replicate examples from the national mechanism on anti-trafficking in Kosovo, which has appointed a permanent full-time staff member with funding from the government to support the National Coordinator. A qualified civil servant position should also be appointed to ensure continuity despite any political changes (KWN research, forthcoming, 2015).
- The budget estimation should be realistic and accurate. In 2011, there was discrepancy between the budget that was allocated for the implementation of the plan and the funds provided by the GoK for implementing the legal framework. The majority of activities outlined in the Action Plan are also reflected in the legal framework that was analysed and estimated by the KWN report, "At What Cost?: Budgeting for the implementation of the legal framework related to Domestic Violence" (2013). The budget estimations for the future Action Plan should be more accurate and in line with these estimations.
- The overall Action Plan should not depend on donor support and/or NGOs. Instead, the government should primarily allocate adequate resources for its implementation. The columns estimated as having 'no cost' should be removed, as all activities will have some cost and accurate estimations should be made (for further information see KWN's report "At What Cost?: Budgeting for the implementation of the legal framework related to Domestic Violence, 2013).

VI. LEVEL OF IMPLEMENTATION OF THE ACTION PLAN ON DOMESTIC VIOLENCE (2011 – 2014)⁸⁶

STRATEGIC OBJECTIVE	SPECIFIC OBJECTIVE	ACTIVITIES	RESPONSIBLE & SUPPORTING INSTITUTIONS	TIME-FRAME	BUDGET	MONITORING INDICATORS	IMPLEMENTATION LEVEL
1. Until 2014, to establish efficient and comprehensive mechanisms for prevention of domestic violence	1.1. To draft policies in central and local level for prevention, protection and provision of services to victims and perpetrators of domestic violence.	1.1.1. Development of programs for psychologist in schools	MEST, MED, Working Group	2011-2012	7000 € KCB	Programme is developed Reports from Working Group	Partial implementation Programme yet to be developed School pedagogues removed Child psychologists appointed only in a few municipalities
		1.1.2. Drafting programs for social workers. MLSW since 2006 has drafted the professional manual for Officers of Social Services "Reaction towards cases of Domestic Violence", which was drafted by the MLSW in cooperation with OSCE.	MLSW		70.000€	MLSW to organize training of Officers of Social Service; allocates 70.000€	Licensing of Social Workers has been finalised Minimal standards for assistance of victims of domestic violence have been set (amongst 5 standards for social services) Trainings have been conducted by the MLSW on the minimal standards Performance and knowledge of laws by service providers remains low (KWN forthcoming research 2015)
		1.1.3. Introduction of 80 pedagogues and psychologists in municipalities	MEST, Municipalities, Municipal Education Departments	Academic year 2011-12	34.560 € KCB	Number of psychologists and pedagogues Number of pilot schools with psychologists	Child pedagogues removed/licensed in process Low number of psychologists in municipalities
		1.1.4. Introduction of the curriculum with topics on domestic violence and family relations in the psychology department.	Faculty of Philosophy	Academic year 2011-12	21.600 € University 21.600 € University	Curriculum is adopted	Elementary schools curricula address gender equality and violence against women briefly in the Civic Education book In-depth evaluation of the curricula quality and impact should be conducted (MEST interview pending)

⁸⁶ Action Plan in original taken from the Kosovo Strategy and Action Plan against Domestic Violence 2011-2014, available at <http://abgj.rks-gov.net/Portals/0/Programi%20i%20Kosov%20C3%ABs%20Kund%20Dhun%20n%20n%20C3%AB%20Famije%20dhe%20Plani%20i%20veprimit.pdf>

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

I.2. To sensitize the society on domestic violence.	I.2.1. Organization of media campaigns focused on domestic violence	Ministry of Local Government Administration, MoJ, Central and Local Institutions (Ministries and Municipalities), NGOs, Donors, Media	2011-14	5.000 € 1.500€ 29.900€ € Responsible Institutions	Number of media campaigns prepared Public impact	In 16 Days of Activism, regular annual campaigns have been offered by the Agency for Gender Equality, Municipal gender officers, social workers, and Municipal coordination mechanisms on DV. Lack of comprehensive knowledge on all of the activities conducted under the 16 Days of Activism campaigns. The OSCE Mission in Kosovo offered trainings to journalists. However, the training offered is limited and male role models for awareness on domestic violence To much focus on one period of awareness raising only i.e. 16 days of activism event, should be consistent
	I.2.2. Organization of roundtables with participation of community and relevant entities (media, central and local institutions, NGOs)	MoJ Central and Local Institutions (Ministries and Municipalities) NGOs, Donors (UN Women), Association of Independent Journalists Media	2011-14	1.000€ per year	Number of roundtables organised Number of participants Impact of the media events Public impact (Assessment of the public impact)	Partially completed AGE organised discussions to present the NSAPDV; launched 16 days campaign and distributed 60 posters; Municipal gender officers also organised with CSOs and donors. Several initiatives but usually around the 16 Days of Activism event
I.3. To establish mechanisms for education and awareness raising of youth on domestic violence	I.3.1. In the content of the programming for children in radio and TVs to include the issue of domestic violence.	Media, Journalists, Donors (UNICEF; UNDP; UN Women), MCYS, Theatres, AGE	2011-2013	No cost	Number of programmes, writings, articles, columns, theatre performances and documentaries implemented to date	This activity lists no costs without clear and specific estimation. KWN's forthcoming research 2015 suggests that costs should be evaluated properly even for media campaigns conducted with the Radio Television of Kosovo as public broadcaster due to lack of expertise to produce such shows Few NGOs produced awareness raising theatre on violence but not targeting only children specifically

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

I.4. To increase the number of reported cases of domestic violence	I.4.1. Updating the current database, including contribution by other institutions, with exception of MLSW, MJ	Police, Public Prosecutors Office, Courts, Centres for Social Work, Shelters, Ministry of Justice, Ministry of Health, Donors	2012-2014	150.000 € Donors	Database is updated Number of cases and records registered Reports based on information and records Number of policies impacted by records collected	MLSW database exists however not jointly used by agencies offering assistance to victims of domestic violence Institutions keep own records with Victim Advocacy and Assistance Unit and Kosovo Police publishing the records. No clear and joint records have been used to advocate for policy monitoring (KWN forthcoming research 2015)
	I.4.2. Education of the population on reporting domestic violence	AGE, Media, Schools, Municipalities	2011-2013	No cost	Reports from impact assessment Number of cases reported	Campaigns organised and delivered by main actors however focusing mainly on the 16 Days of Activism campaign dates only.
	I.4.3. Information of the population about institutions where they can report domestic violence	Police, MoJ, Media, Legal Aid Commission, AGE, Schools, Centres for Social Work, Municipalities, Donors	2011-2013	No cost	Awareness Raising Campaigns Number of brochures Number of publications TV broadcasting	Kosovo Police provides victims with the rights leaflet upon the case being reported to the police. Additionally, NGOs provide such information Also Kosovo Police does not offer interviews with female police officers with DV victims in all areas, e.g. in Dragash/š municipality. Information should be provided on a regular basis, not only during the 16 Days of Activism campaigns
	I.4.4. To further develop the capacity of KP in order to change the approach towards violence, victims and perpetrators	Police	2011-2013	No cost	Number of cases addressed by the police	Cost estimations were not accurate, making the monitoring difficult KP have specifically allocated the costs for their DV Unit Trainings are mandatory for KP officers Several police officers seem to demonstrate improved capacities compared to KWN baseline research in 2008. However, in some regions, domestic violence unit police officers have not attended any other training besides Domestic Violence course in the academy (KWN forthcoming research 2015) Partially Completed

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

2. To manage, until 2013, in having efficient protection mechanisms for victims of domestic violence.	2.1. To ensure efficient services for physical protection of victims of domestic violence throughout territory of Kosovo.	2.1.1. To undertake a study on the coverage map with services for victims of domestic violence	AGE, Police, Shelters, in cooperation with institutions, NGOs, Donors	2011	25.000 € NGOs Donors	Study completed Findings and recommendations	Not clear Several studies exist however with no such exact focus
		2.1.2. Development of social housing for sheltering and protection of victims of domestic violence	Ministry of Finance, Municipality, Donors	2011-14	500.000 € Donors Municipalities MEF	Funds allocated Number of flats constructed Number of victims sheltered Number of decisions taken to grant license to shelter	Limited implementation Few municipalities based on good will of mayors and heads of directorate have implemented this requirement There is general lack of knowledge on the existence of NSAPDV amongst municipal officials There is an overlap in implementation between the Gender Action Plan and the NSAPDV Implementation of social housing known in few municipalities only as in Prizren, Podujevë/Podujevo targeting former domestic violence victims specifically. Municipalities with DV coordination mechanisms divide appropriate budget lines for supporting the victims Social Housing remains on overall gap
		2.1.3. Setting up a cooperation mechanism between municipalities, in order to provide shelter to victims of domestic violence	Municipalities Shelters	2011	No cost Shelters Municipalities	MoUs implemented	Not implemented

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

	2.2. To build capacities of stakeholders (police, prosecution, courts and centres for social work) for handling domestic violence.	2.2.1. Organization of trainings for about (150 participants) – Judges, Prosecutors, Police, Victim's Advocates, Health and Social Workers, Education Staff, Legal Aid Officers.	KIPA, AGE, Kosovo Law, Kosovo Police Academy Central Institutions, KJI, Donors	2011-2014	200.000 € Donors Responsible Institution 11.734€	Number of trainings organized Number of participants Number of modules prepared	A number of trainings have been organised and delivered by Agency for Gender Equality, Kosovo Judicial Institute (interview pending), VAAU, UNKT/UN Women, Coordination Mechanisms on DV in three municipalities, etc. Study visit for Police Investigators of northern and southern Kosovo; advanced training on case management organised by UN Women No clear responsible institution, thus it is difficult to monitor No. of modules prepared to be confirmed (KJI interview pending) During 2011-2014 the MLSW provided two copies of the original SOPs to 38 municipalities with a total of 80 copies distributed In 2014, the AGE with the OSCE Mission in Kosovo, supported by MLSW and other stakeholders, trained more than 200 social workers, police officers and Victim's Advocates on the content and procedures established under the SOPs. Satisfactory level of implementation
		2.2.2. Provision of necessary equipment (communications, vehicles and phones) in order to address cases of domestic violence.	MEF, MLSW, Police, Municipalities, Donors (UNDP), UN Women Private Operators MJ, MPA	2011-2014	100.000 € Annually Kosovo Budget. Donors 2. Spending of Fuel. Maintenance of (existing vehicles for one year) 29.000 €	Number of items and equipment provided Increase in the staff performance in treating and addressing cases of domestic violence	Donors provided (UNDP, UN Women UNKT) provided necessary equipment, such as child friendly rooms for DV cases Limited usage of the child friendly rooms Difficult to monitor the quality impact, information pending also from the KWN forthcoming research with victim respondents (2015)

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

		2.2.3. Provision of sufficient space for stakeholders to handle cases of domestic violence from reporting to the trial.	MEF, MLSW, MoJ, Police, Courts, Public Prosecutor, Centers for Social Work, UN Women, UNICEF, NGOs	2012-2013	92.000 € annually	Space provided (m ² /for every staff member and victim)	<p>Child friendly interview rooms available however not often used</p> <p>Exact m2 available not known</p> <p>Regions lack transportation exception are the police</p> <p>Pristina municipality has contracted taxi service to support CSWs for the interview transportation needs</p> <p>CSW still complain on lack of transportation generally and assistance packages for victims of domestic violence during the first initial phase of the interview.</p> <p>Child-friendly rooms for interviews supported by donors with the Kosovo Police are not sufficiently used.</p>
	2.3. To ensure free of charge legal aid to victims of domestic violence	2.3.1. Preparation of the brochures, leaflets in order to inform citizens about Legal Aid	Legal Aid Commission, MoJ, Parliament	2011-2013	5.000 € annually		<p>The Law on Legal Aid categorises victims of domestic violence as category to initiate the procedure for free legal aid</p> <p>Number of legal aid offices remains limited as 5 offices supported by the UNDP office in Pristina have been closed</p> <p>Cost estimations of the plan have not been realistic and the future NSAPDV should also reflect on the need to re-calculate the support to re-open the 5 free legal aid offices and enhance access of victims of domestic violence especially in rural areas</p> <p>No indicators of measurement/ should be addressed in the next Action Plan</p>
		2.3.2. Signing of the cooperation agreements between institutions involved in treatment of cases of domestic violence	Legal Aid Commission, Institutions, NGOs	2011	No cost	Number of agreements implemented Number of institutions involved	<p>SOPs drafted and adopted</p> <p>Primary document should be the SOPs</p> <p>Completed</p>

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

		2.3.3. Development of SOPs for treatment of victims of domestic violence.	MJ, MLSW, (Working Group, including central institutions and experts)	2011	12.000 € Donors European Commission	SOPs for treatment of victims and perpetrators are adopted	<p>Completed: SOPs drafted and adopted by the GoK</p> <p>Same as above</p> <p>Also minimal standards for assistance to victims of domestic violence have been adopted by the MLSW</p> <p>Completed</p>
	2.3.3.1. Drafting of the operative standards procedures to treat the victims of violence						
	2.3.3.2. Drafting minimal standards for offering services for the victims of domestic violence, MLSW						
	3. To ensure efficient services for rehabilitation and integration of victims and perpetrators of domestic violence throughout the territory of Kosovo.	3.1. To build and strengthen capacities of health care workers, social services and educational staff for providing services to victims of domestic violence	MoH, Experts, NGOs, Donors	2011-2014	3.000€	Medical protocol is adopted	<p>Completed</p> <p>Training of trainers offered by MoH and UNFPA, KWN also support</p> <p>150 health workers trained by UNFPA based on the developed manual by UNFPA, KWN and Ministry of Health support. The ToT was held in national level and three trainings held in Gjakova/Dakovica, Gjilan/Gnjilane, Dragash/Prizren and Peja/Pec municipalities</p> <p>Additionally UNFPA also held awareness raising sessions with religious communities (Total 4 workshops) on religious standings on domestic violence at national level and in Gjakova/Dakovica, Gjilan/Gnjilane, Dragash/Prizren municipalities</p> <p>North Mitrovica remains a challenge</p> <p>Also there is no coherent justice system in northern Kosovo with KP integrated however judges and prosecutors only recently have started the integration There are also two parallel CSW's operating in northern Kosovo causing confusion for survivors of domestic violence</p> <p>There is still no shelter existing in the northern part of Kosovo. There is only one Serbian-speaking advocate in Mitrovica South available</p>
	3.1.1. Development of a medical protocol for treatment of cases of domestic violence.						

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

		3.1.2. Training of healthcare staff for treatment the cases of domestic violence (Training of about 150.000 persons working in the health and services sector)	MoH, NGOs	2011-2014	37.000€	Number of staff trained	ToT conducted (exact numbers pending to be send by UNFPA)
		3.1.3. Training of the staff of shelter houses on identification of the clinical cases	NGOs, Shelters, MLSW, MoH	2011-2014	200.000 €	Number of trainings Number of participants in the training	700 healthcare staff have been trained so far by MoH. KWN did not encounter any trained doctors during its assessment (forthcoming research 2015)
		3.1.4. Training of the staff of shelter houses on protection from STDs and HIV	MoH, Experts, NGOs, Donors			Number of trainings Number of participants in the training	Training is offered for shelter staff on a continuous basis Completed
		3.1.5. Training of the journalists on reporting the domestic violence	Journalists association, NGOs, Experts, Donors	2011-2014	30.000 €	Number of trainings Number of participants in the training	Ad hoc not continuous One identified so far conducted by the OSCE Mission in Kosovo Other information missing
		3.1.6. Training of social workers in Centres for Social Work on issues related to domestic violence	Centres for Social Work NGOs Donors	2011-2014		Number of trainings Number of participants in the training	MLSW regular training offered including of the minimal standards on social service provision to domestic violence victims Quality level not satisfactory on the performance of CSW's (KWN forthcoming research and research conclusions of evaluation)
	3.2. To improve Economic support policies to victims and perpetrators of violence.	3.2.1. Development of economic programmes in cooperation with donors and private operators, banks and businesses	MED, MLSW, AGE, MF, Donors	2012-2014		Number of victims supported Amount of grants approved	No sustainable programmes for economic development have been taken up by the GoK to be developed (ad hoc initiatives only)
	3.3. To build and strengthen social services (health, educational, social, economic, legal) for victims and perpetrators of domestic violence	3.3.1. Free of charge medical examinations for the victims of domestic violence, accommodated in shelters	MoH, MoJ, Shelters, Donors Private operators	2011-2014	No cost	Number of victims examined	Completed Offered on regular basis
		3.3.2. Healthcare and social services for persons with special needs and victims of domestic violence	NGOs, MoH, Donors, Mental Health Centres	2011-2014	No cost	Number of persons with special needs assisted	Offered free healthcare and social services Further quality evaluation is need it

EVALUATION REPORT OF THE KOSOVO PROGRAM AGAINST DOMESTIC VIOLENCE
AND ACTION PLAN 2011-2014

		3.3.3. Vocational training for victims of domestic violence	MLSW, MEST, NGOs, Centres for Social Work, Donors, Business Centres for Professional Information	2011-2014	40.000 € every year	Number of beneficiaries Number of persons employed	In Pristina municipality only 6 women were trained Other information need it This indicator remains a challenge as there is a lack of sustainable programme developed by the government Also businesses offering employment to victims do not enjoy any beneficial status under Kosovo's applicable law
		3.3.4. Mediation in employment of victims of domestic violence	DPP- MLSW, Regional Employment Centres	2011-13	No cost	Number of persons employed	Shelters offer this service on ad hoc basis Partial implementation as it should also be institutionalised
		3.3.5. Social services for victims of domestic violence to be interlinked to programmes for family empowerment	MLSW, Centre for Social Work, SOS village –family empowerment programme Donors	2011-13	No cost	Number of programmes Geographic layout of programmes Beneficiary families	Not known to have been happening
	4. Rehabilitation and permanent reintegration of victims of domestic violence	4.1. Offering of rehabilitation services/ healthy and psychosocial treatment as well as sheltering the victims of domestic violence	MLSW, NGOs- Shelters, Municipalities, CSW (Center for Social Work)	2011-13	300.000 €	A number of victims benefit from these services, six shelters contracted by MLSW	Shelters offer on regular basis these services Funding for shelter services in general seem to be insufficient (including salary breakdown and partial support to guarantee NGO independence)
		4.1.2. Offering of free services and legal counseling for the victims of domestic violence and offering free legal protection for those victims.	Ministry of Justice, Victim Advocates, Police, Courts, CSW	2011 -2014		A number of victims that benefit free legal services	VAAO are authorized representatives of victims in courts Free legal aid is limited especially for victims in rural areas due to closure of 5 legal aid offices in the recent months
		4.1.4 Offering of services and professional qualification for the victims of domestic violence	MEST, Directors for Education in municipalities, CSW, MLSW-DPP, Regional Employment Offices	2011 -2014			Indicator and numbers here unclear for monitoring purposes. Shelters have provided these services with few donors supported
			TOTAL COST: KOSOVO BUDGET: DONORS: OTHER (UT PRIVATE):			2.414.560 € 1.612.854 € 780.106€ 21.600 €	

BIBLIOGRAPHY

Reports

Baseline Survey Study on GBV and Domestic Violence in Dragash, Gjilan/Gnjilane and Gjakova/Đakovica municipalities, 2013, UNICEF.

European Partnership Action Plan, December 2012, available at http://www.mei-ks.net/repository/docs/European_Partnership_Action_Plan_2012.pdf

Handbook on Justice for the Victims: on the use and application of the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power,” UN Office for Drug Control and Crime Prevention, available at https://www.unodc.org/pdf/criminal_justice/UNO-DC_Handbook_on_Justice_for_victims.pdf

KWN for Agency for Gender Equality Research, Security Begins at Home: Research to Inform the First National Strategy and Action Plan against Domestic Violence, 2008. Available at <http://www.womensnetwork.org/documents/20130120165404373.pdf>

KWN “More than words on Paper: the Response of justice providers to domestic violence in Kosovo” 2009 available at <http://www.womensnetwork.org>

Kosovo Women’s Network for UNDP Office in Kosovo, At What Cost: Budgeting for the Implementation of the Legal Framework against Domestic Violence in Kosovo, pg. 1. Available at <http://www.womensnetwork.org/documents/20130405120224756.pdf>

Kosovo Programme and Action Plan against Domestic Violence 2011-2014, available at the Agency for Gender Equality website <http://abgj.rks-gov.net/Portals/0/Programi%20i%20Kosov%20Kund%20Kund%20Dhun%20n%20n%20n%20Familje%20dhe%20Plani%20i%20veprimit.pdf>

National Co-ordinator’s Office against Domestic Violence, Annual Progress Report on the Activities against Domestic Violence, published May 2013. See pg. 11 at http://www.md-ks.net/repository/docs/Final_English_APR_DV.pdf

Ulf Farnsveden, Ariana Qosaj-Mustafa and Nicole Farnsworth Study “Kosovo Country Gender Profile,” pg. 2, financed by Sweden and available at http://www.swedenabroad.com/ImageVaultFiles/id_20757/cf_347/Orgut_Kosovo_Gender_Profile_FINAL_2014-05-08.PDF

UNFPA “Research on the impact of violence on the reproductive rights of women in Kosovo (2008).

Legislation

AI Nr. 12/2012, available at: http://www.kryeministri-ks.net/repository/docs/UA__per_trajtimin_psiko-social_te_kryersve_te_dhunes_ne_familje_10.09.pdf.

AI Nr. 02/2013, available at: <http://msh-ks.org/wp-content/uploads/2013/11/Udhezim%20Administrativ%2002-2013.pdf>.

AGE Commentary on the Law on Protection against Domestic Violence, available at <http://abgj.rks-gov.net/Portals/0/Komentari%20i%20Ligjit%20p%20p%20p%20Mbrotjtje%20nga%20Dhuna%20n%20n%20n%20Familje%20-Shqip.pdf>

Constitutional Court Judgement No. KI 41/12 with applicants Gezim and Makfire Kastrati

against Municipal Court in Pristina and Kosovo Judicial Council

Constitution of the Republic of Kosovo

Decision of the Kosovo Government and Terms of Reference on the Appointment of the National Co-ordinator against Domestic Violence, approved on 11.07.2012, by decision Nr. 04/83

Kosovo Law on Protection against Domestic Violence No.03/L-18, available at <http://www.assembly-kosova.org/common/docs/ligjet/2010-182-eng.pdf>

Kosovo Judicial Council decision, 58th meeting of the KJC March 2012

Kosovo Law on Family and Social Services, 2005. Available at http://www.kuvend-ikosoves.org/common/docs/ligjet/2005_02-L17_en.pdf

Kosovo Law on Free Legal Aid, available at [http://www.md-ks.net/repository/docs/Ligji_per_ndihme_juridike_falas_\(anglisht\).pdf](http://www.md-ks.net/repository/docs/Ligji_per_ndihme_juridike_falas_(anglisht).pdf)

Kosovo Criminal Code and Criminal Procedure Code, available at www.legislationline.org/documents/id/17771

Standard Operating Procedures (SOP)’s for Protection from Domestic Violence in Kosovo, adopted in 2013. Available at http://www.psh-ks.net/repository/docs/Procedurat_Standarde_te_Veprimit_per_Mbrotjtje nga Dhuna ne Familje.pdf

Victims Advocacy and Assistance Office, at: http://www.psh-ks.net/repository/docs/Declaration_of_damages.pdf

UNMIK Regulation 2003/12 on Protection Against Domestic Violence, available at http://www.unmikonline.org/regulations/unmikgazette/02english/E2003regs/RE2003_12.pdf

UNMIK Regulation 2001/09 on the Constitutional Framework for Provisional Self-Government in Kosovo, available at <http://www.unmikonline.org/regulations/2001/reg09-01.htm>

ANNEX

- I. See Organisational Structure of Coordination, Monitoring and Implementation of Mechanisms against Domestic Violence in Kosovo- The Institutional Strategic and Operational Structure. Available from National Co-ordinator’s Office against Domestic Violence, Annual Progress Report on the Activities against Domestic Violence, published May 2013. At pg. 11 at http://www.md-ks.net/repository/docs/Final_English_APR_DV.pdf. Financed by UNDP Women’s Security and Safety Initiative project.
- II. Decision of the Kosovo Government and Terms of Reference on the Appointment of the National Co-ordinator against Domestic Violence, approved on 11.07.2012, by decision Nr. 04/83.
- III. Kosovo Police reports on domestic violence cases: Years 2011, 2012, 2013 and 2014
- IV. Municipal list of respondents
- V. Central list of respondents



REPUBLIC OF KOSOVA
Government

Pursuant to Article 92, paragraph 4 and 93 paragraph (4) of the Constitution of the Republic of Kosovo, based on Article 4 of Regulation No. 02/2011 for the areas of administrative responsibility of the Office of the Prime Minister and ministries, amended and supplemented by Regulation No 07/2011 and Article 19 of the Rules of Procedure of the Government of the Republic of Kosovo No.09 / 2011, the Government of the Republic of Kosovo in the meeting held on July 11, 2012 took the

DECISION

1. Deputy Minister of Justice is appointed National Coordinator against Domestic Violence.
2. The coordinator has the responsibility to lead the process of implementation of the Kosovo Program against Domestic Violence and Action Plan for 2011-2014, approved by the Government on 25 August 2011.
3. Coordinator leads the Inter-Ministerial Coordination Group against Domestic Violence, in this composition:
 - 3.1 Office of the Prime Minister - Agency for Gender Equality, Vice – chairman
 - 3.2 Ministry of Justice, Member
 - 3.3 Ministry of Labour and Social Welfare, Member
 - 3.4 Ministry of Internal Affairs, Member
 - 3.5 Ministry of Health, member
 - 3.6 Ministry of Education, Science and Technology, Member
 - 3.7 Ministry of Finance, Member
 - 3.8 Ministry of Culture, Youth and Sports, Member
 - 3.9 Kosovo Police, Member
 - 3.10 Statistical Agency of Kosovo, Member
4. As experts and observers are invited:
 - 4.1 State Prosecutor, member
 - 4.2 Kosovo Judicial Council, member
 - 4.3 Kosovo Judicial Institute, member
 - 4.4 Kosovo Shelter Coalition, member

5. Terms of Reference are approved for the National Coordinator against Domestic Violence and the Inter-Ministerial Coordination Group against Domestic Violence, which have joined to this decision.
6. The decision shall enter into force upon signature.

Hashim Thaqi
Prime Minister of Kosovo

Sent to:
Deputy Prime Ministers
All ministries (ministers)
Secretary General of OPM
Government Archives

Explanatory requisition

The appointment of the National Coordinator against Domestic Violence

Law on Protection from Domestic Violence in Article 27 has obliged the Government of the Republic of Kosovo in drafting of the Program against Domestic Violence. The Government of the Republic of Kosovo with the decision of the Prime Minister is committed to drafting of the document and implementation of the program and has appointed the Agency for Gender Equality, carrier of this process.

Agency for Gender Equality included in the drafting of this document representatives of central and local institutions, engagement of which is not only seen as factors that affect the quality of the document but as an opportunity for all actors involved to understand what they should, and what can they do to fight and address domestic violence.

The program serves as a national guide for improving existing services, prevention, security, justice and the treatment of victims but also offenders of domestic violence

The program encompasses three main pillars: Prevention, Protection and Security, Support, Treatment and Reintegration.

The Government of Kosovo has approved the Program against Domestic Violence and Action Plan on the date 25.08.2011.

Under the program, the highest institutional authority in this area will be the National Coordinator.

National Coordinator's task will be the coordination, monitoring and reporting on the implementation of policies, activities and actions foreseen in the Program against Domestic Violence.

The National Coordinator will be supported by the Secretariat, whose duty and responsibility is to gather information and data from other institutions, in order to analyse and evaluate such information, as well as preparing analytical reports for the National Coordinator

The appointment of the National Coordinator, will enable the realization of many other activities foreseen in this strategic document such as the drafting of Standard Operating Procedures at the national level for victims of domestic violence

Recommendation to be appointed as soon as possible the National Coordinator, also comes from many roundtable discussions of local and international NGOs including the recommendations that emerged from the Assembly.

We address to you with the draft decision for the appointment of the National Coordinator against Domestic Violence and the establishment of the institutional mechanisms for implementation of the Kosovo Program against Domestic Violence and Action Plan 2011-2014.

Institutional mechanisms for implementing and monitoring of the Kosovo Program against Domestic Violence and Action Plan 2011-2014;

- I. National Coordinator against Domestic Violence (NCADV)
- II. Coordination Secretariat (CS)
- III. Coordination Group (CG)

I. National Coordinator against Domestic Violence (NCADV):

The government should appoint a National Coordinator against Domestic Violence that holds a high position in the government, at the Ministry level, who will be provided political support from government and administrative / logistical support from the Coordinating Secretariat.

Duties and responsibilities of NCADV:

NCADV is responsible for coordinating and monitoring the implementation of the Kosovo Program against Domestic Violence and Action Plan 2011- 2014, approved by the Government on date 25.08.2011.

Is responsible for guiding the process of implementation of the Program Against Domestic Violence and Action Plan adopted by the Government of Kosovo on date 25.08.2011.

Is responsible for reporting to the government, parliament and other coordination structures.

Is responsible to lead the Coordination Group and ensure regular meetings of this group and can call urgent meetings over agreed calendar agreed.

Ensures political support from all relevant ministries and agencies in order to support focal points for CG

In all these activities NCADV will be supported by Coordination Secretariat – logistics for domestic violence.

II. Coordination Secretariat - logistics for domestic violence.

The Secretariat will provide administrative and logistical support for NCADV for coordination of all activities against Domestic Violence.

A full-time employee in the Secretariat will work only on issues of the domestic violence in order to provide administrative and logistical support for the work of NCADV and to serve as benchmark. In the period of 2 years since the establishment of the employment relationship this employee shall be financed by the project WSSI - UNDP. The person involved will be the positioned within the Agency for Gender Equality.

Led by NCADV, the Secretariat will:

- Maintain minutes of meetings of the Coordination Group.
- Ensure distribution of all relevant information at the local level and within country
- Lead with a database on projects / contacts, as well as a list of

NGOs who engage regularly, which is available to the Working Group and the general public,

- Assist NCADV in all aspects, if necessary.

III. Coordination Group (CG):

Based on three main pillars: Prevention, Protection and Security, Support,

Treatment and Reintegration of the Program against Domestic Violence and Action Plan adopted by the Government on date 25.08.2011, and under Article 50 of the Rules of Procedure of the Government No. 09/2011, the Government of Kosovo shall establish the Coordination Group.

Such authority should be inter-ministerial and inter- institutional and will be represented by the highest leaders of the following institutions

At the national level:

- a. Office of the Prime Minister - Agency for Gender Equality
- b. Ministry of Justice
- c. Ministry of Labour and Social Welfare
- d. Ministry of Internal Affairs
- e. Ministry of health
- f. Ministry of Education, Science and Technology
- g. Ministry of Finance
- h. Ministry of Culture, Youth and Sports

Other institutions:

- a. Office of the State Prosecutor
- b. Kosovo Judicial Council .
- c. Kosovo Police
- d. Judicial institution
- e. Statistical Office of Kosovo
- f. Shelter Coalition

All representatives of CG act as representatives of ministries / relevant agencies and are responsible for :

- Implementation, revision and general evaluation of the Program Against Domestic Violence and Action Plan
- Have the authority to make decisions and the right to vote in Adoption of CG decisions
- Interlink between CG and ministries / agencies and ensure their flow of the information ,
- Coordinate inputs of the ministry / its agency, and
- They are available in terms of time and capacity.
- Coordinate all activities within the country in order of local security and cooperation including collection and processing of data
- Provision of budget, human resources and coordination.
- Maintaining regular contacts with donors in the country and informs about holding the meetings in order to coordinate funding and avoid duplication of projects
- Meet no less than twice a year
- Every member of CG can call meetings off the foreseen calendar if there is a necessity
- Members may be replaced only in exceptional cases by person with equivalent position in the hierarchy of the institution

The role of NGOs:

The participation of civil society in coordination structures is necessary, given the vital role played by NGOs in particular in the field of prevention and assistance to victims

NGOs will be represented in the CG. In this framework, NGOs should be part of the decision-making process and should be consulted in order to get their opinion and experience

Table 1. Domestic Violence cases from Kosovo Police for the Year 2011

Directorate of Serious Crime	Domestic Violence Cases												
Year	2011												
Police Regions	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Pristina	17	20	23	21	18	21	20	32	19	30	25	22	268
Gjilani/Gjilane	6	6	6	5	10	11	11	10	9	9	11	15	109
Ferizaj	15	5	5	2	4	4	19	14	9	14	9	8	108
Peja/Pec	11	18	19	20	20	16	23	15	20	16	16	13	207
Prizren	15	9	12	12	22	23	17	14	16	11	5	16	172
Mitrovica	28	15	16	16	13	17	20	9	15	9	16	8	182
Total	92	73	81	76	87	92	110	94	88	89	82	82	1046

Table 2. Domestic Violence cases from Kosovo Police for the Year 2012

Directorate of Serious Crimes	Domestic Violence Cases												
Year	2012												
Police Regions	Jan	Feb	Mar	April	May	June	July	August	Sept	Oct	Nov	Dec	Total
Pristina	23	14	29	20	25	20	35	41	27	24	25	18	301
Gjilani/Gjilane	2	3	11	6	7	13	13	9	8	9	4	6	91
Ferizaj	8	13	9	12	10	5	15	9	9	9	12	11	122
Peja/Pec	18	13	13	19	18	14	12	25	16	13	19	11	191
Prizren	17	9	9	5	13	19	16	19	13	9	7	3	139
Mitrovica	13	8	17	17	14	13	24	25	13	14	17	7	182
Total Number	81	60	88	79	87	84	115	128	86	78	84	56	1026

Table 3. Domestic Violence cases from Kosovo Police for the Year 2013

Directorate for Serious Crimes	Domestic Violence cases												
Year	2013												
Police regions and months	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Pristina Region	26	16	21	32	23	21	23	27	25	11	14	12	251
Gjilani/Gjilane Region	2	6	9	6	5	12	15	16	9	15	8	19	122
Ferizaj Region	15	11	10	16	15	14	8	12	9	9	10	10	139
Peja/Pec Region	21	18	21	20	15	10	26	11	19	18	21	11	211
Prizren Region	20	7	15	13	15	12	21	26	24	18	17	6	194
Mitrovica Region	14	14	16	14	14	13	20	14	11	18	11	11	170
Total number	98	72	92	101	87	82	113	106	97	89	81	69	1087

Table 4. Domestic Violence cases from Kosovo Police for the Year 2014

Directorate of Serious Crimes	Domestic Violence Cases												
Year	2014												
Regional Directorates /Date	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total
Pristina Region	10		27	24	29	31	30	22	21	22	18	19	253
Gjilani/Gjilane Region	11	12	19	18	11	13	20	21	7	10	13	11	166
Ferizaj Region	8	4	10	12	8	10	16	7	13	15	11	14	128
Peja/Pec Region	17	12	18	20	19	21	22	28	24	21	14	16	232
Prizren Region	27	15	26	22	21	19	17	19	13	5	11	15	210
Mitrovica Region	9	9	6	9	8	13	13	9	18	12	16	7	129
North Mitrovica Region	4	4	5	4	2	6	5	2	4	3	4	3	46
Total number	86	56	111	109	98	113	123	108	100	88	87	85	1164

4. Municipal list of respondents

NAME AND SURNAME	ORGANISATION/INSTITUTION	PLACE
Ahmet Bahtijari	Dragash Municipal Government	Dragash/Dragaš
Hajri Ramadani	Dragash Municipality	Dragash/Dragaš
Berlinda Berisha	Kosovo Police	Gjakova/Đakovica
Sakibe Doli	Safe House	Gjakova/Đakovica
Lumnije Shllaku	ZBGJ	Gjakova/Đakovica
Elvane Shehu	Centre for Social Work	Gjakova/Đakovica
Sanije Berisha	Women's Association	Gjakova/Đakovica
Besnik Pireva	Victim Advocate	Gjilan/Gnjilane
Afërdita Këqiku	QKMF-Gjilan, psychologist	Gjilan/Gnjilane
Malsor Kryeziu	Basic Court	Gjakova/Đakovica
Leonora Juniku	Municipal Department of Health and Social Welfare	Gjakova/Đakovica
Astrit Muhaxhiri	osovo Legal Aid office	Gjakova/Đakovica
Teki Shala	Gjakova Municipality	Gjakova/Đakovica
Florije Zhubi	Gjakova Municipality	Gjakova/Đakovica
Dardan Bakija	Gjakova Municipality	Gjakova/Đakovica
Sadik Zejnullahu	Municipal Department of Health and Social Welfare	Dragash/Dragaš
Ibrahim Gashi	Centre for Social Work	Dragash/Dragaš
Gjejon Lokaj	Women's Initiative Association	Dragash/Dragaš
Zejnepe Ramizi	Correctional Service of Kosovo	Gjilan/Gnjilane
Valbonë Dërvodeli	Basic Court	Gjilan/Gnjilane
Vjollca Jakupi	Municipal Government	Gjilan/Gnjilane
Nevenka Rikalo	Ruka Ruci	Gračanica/Gračanicë
Nazife Jonuzi	Safe House	Gjilan/Gnjilane

Fazli Abdullahu	Human Rights Unit	Gjilan/Gnjilane
Ramadan Jashari	QKMF-Director	Dragash/Dragaš
Zaim Hajredini	NGO "CIDO"	Dragash/Dragaš
Lindita Kozmaqi Piraj	Gender Equality Officer	Dragash/Dragaš
Bajrush Ymeri	Municipal government	Novo Brdo/Novobërdë
Salih Kqiku	Municipal government	Gjilan/Gnjilane

5. Central level list of respondents:

NAME AND SURNAME	ORGANISATION/INSTITUTION	PLACE
Shpresa Zariqi	Agency for Gender Equality	Pristina
Leonora Selmani	Agency for Gender Equality	Pristina
Edi Gusia	Agency for Gender Equality	Pristina
Antigona Fejza	UNFPA	Pristina
Flora Macula	UN Women	Pristina
Linda Sanaja	Un Women	Pristina
Valentina Bejtullahu	OSCE Mission in Kosovo	Pristina
Isabelle Jost	UN Women	Pristina
Dijana Karan	UNMIK	Pristina
Ljubisa Besarevic	OHCHR	Pristina
Afrim Ibrahim	UNICEF	Pristina
Nertila Qarri	Kosovo Women's Network	Pristina
Tahire Haxholli	Kosovo Police	Pristina
Brikena Sylejmani	UNDP	Pristina
Basri Kastrati	Victim Advocacy-State Prosecutor Office	Pristina
Visare Mujko-Nimani	UNFPA	Pristina
Lavdim Krasniqi	Kosovo Judicial Institute	Pristina (TBC)
Premtime Preniqi	Municipal Gender Officer	Pristina (TBC)
Adile Basha-Shaqiri	Ministry of Labour and Social Welfare	Pristina
Nicole Farnsworth	Kosovo Women's Network	Pristina

**ASSESSMENT OF THE LEGAL AND
LAW ENFORCEMENT RESPONSE:**

**KOSOVO PROGRAM AGAINST
DOMESTIC VIOLENCE AND ACTION
PLAN
2011-2014**

Table of Contents

Assessment Methodology51
 Biographical Information.....51
 Data Collection52
 In Gratitude52
 Introduction to Assessment.....53
 Domestic Violence Defined53
 Summary of Findings.....54
 Institutional Mechanisms, Ch. II: 2.3.2.....54
 Critical Issues in Understanding and Implementing
 The Legal Framework, Ch III: 3.2.156
 Critical Issues in Functioning of Institutional
 Mechanisms, Ch. III: 3.2.2.....59
 Strategic Objectives and Policies, Ch IV60
 Standard Operating Procedures.....61
 Proposals and Recommendations61
 Critical Issues Not Addressed in The Strategy.....61
 Define and Understand the Problem62
 Concrete Methodology.....62
 Consistent Approach to Domestic Violence.....63
 Shift in Mindset / Change in Dialogue63
 Zero Tolerance Message / Domestic Violence is a Crime63
 Coordination and Collaboration.....66
 Define Priorities66
 Services Must Support Priorities67
 Deterrence and Rehabilitation for Offenders67
 Institutional Accountability and Trust Development68
 Greater Governmental Support.....68
 Summary of Recommendations68

Assessment Methodology

For this assessment, a comprehensive review of the Kosovo Program against Domestic Violence and Action Plan 2011- 2014 (herein after, “The Strategy”) was performed; analyzing all criminal justice related components addressed by The Strategy, and advisements for implementation for the legal and law enforcement sectors. This assessment should be viewed in coordination with the UN Women report detailing an analysis of services for victims of domestic violence. This portion of the assessment will focus on the response of the criminal justice system, including the roles of Judges, Prosecutors, Police Officers, and Victim Advocates. This assessment was performed with the aid of information from, and interviews with, all sectors of law enforcement, and it will address both a critique of The Strategy, with a review of its successes and failures, as well as a focus on policy guidance and recommendations for the future.

Biographical Information

My name is Amy Litwin. I conducted this assessment based on my experience as a New York City Prosecutor and former Victim Advocate with prior experience working with offenders of domestic violence in a group education context. I have worked as a prosecutor in Bronx County of New York City for 14 years. I began my career prosecuting lower level crimes of domestic violence, sex offenses, and child abuse, eventually focusing on domestic violence, handling over one thousand misdemeanor cases. Three years into my career, I was promoted within the Domestic Violence Bureau to the position of Felony Prosecutor, at which time I began to handle more serious cases, including Assault, Burglary, Robbery, Arson, Gun and other weapons possession, Rape, Attempted Murder, and Violations of Protective Orders, as all of these crimes can be found within the context of domestic violence. Ultimately I specialized in domestic violence related homicide cases, of which I handled approximately 25. I became a Supervisor for the Domestic Violence Bureau of the Bronx District Attorney’s Office in 2012, the Deputy Chief approximately one year later, and am now the Bureau Chief. I am responsible for all of the cases handled by my bureau, which average at approximately 2,500 cases at any one time. We are currently handling 2,204 lower level crime cases (misdemeanors), and 363 higher level crime cases (felonies), of which 28 are homicides. I currently supervise 31 Attorneys, and 9 support staff members, and I work closely with the New York City Police Department, and victims’ services organizations, to see that all offenders are held accountable and all victims assisted.

My responsibilities also include conducting lectures and developing trainings on topics including interviewing domestic violence victims, drafting charges on domestic violence cases, trial strategy, “evidence based prosecutions” and strangulation cases. I have been involved as a faculty member for the office’s Misdemeanor Trial Training Program, and Felony Trial Training Program, and have lectured to visiting law enforcement members and prosecutors from jurisdictions outside of the United States, as well as providing lectures and trainings to members of the New York City Police Department. I recently provided training to all of the specialized Domestic Violence Police Officers and Sergeants, of which there are approximately 400 citywide, on the importance of proceeding on Domestic Violence cases regardless of a victim’s cooperation, stressing the importance of evidence collection strategies. I have also drafted a manual entitled: A Guide to Drafting Domestic Violence Cases for prosecutors as a guide to draft charges shortly after the arrest of a Domestic Violence offender. This manual will implement new strategies, objectives, and techniques. My work enforces the policies of the

District Attorney while creating new systems that will enable the prosecutors in my bureau, and all prosecutors who have contact with Domestic Violence cases and victims, to work effectively and compassionately while ultimately keeping victims safe, holding offenders accountable and decreasing crime for the community of Bronx County, in New York City.

The Bronx District Attorney's Office has a well-established Crime Victim's Assistance Unit comprised of 14 non-attorney Victim Advocates, including two that specialize in Domestic Violence, and 4 therapists on staff. Prosecutors in my office coordinate with the victim advocates on many of their cases. My office also coordinates therapy services for children affected by Domestic Violence and we work closely with the Mayor's Office to Combat Domestic Violence, due the Family Justice Center initiative which co-locates the staff of my bureau with a vast array of services for victims, including civil court attorneys, social workers, psychiatrists, culturally specific service providers, and on-site child care.

Data Collection

To assist in this this assessment, the United States Embassy and Department of Justice prepared meetings with the Judges designated as the Domestic Violence Coordinators for the Judiciary in Pristina, Prizren, and Decan. I also met with designated Prosecutors in the Pristina, Prizren, and Peja regions. I met with members of the Kosovo Police, including supervisory and investigatory members of the Domestic Violence Unit, as well as other members of the Kosovo Police who work patrol and who manage the precinct. I also met with the Captain of the Domestic Violence Police Unit for Kosovo. Victim Advocates were also represented in my Assessment. I met with approximately six advocates, including the Advocate Manager and Senior Victim Advocate in Pristina. I gained some perspective from two members of CLARD (The Center for Legal Aid and Regional Development) who offer free legal representation to both victims and offenders and take on strategic cases to help improve awareness and the criminal justice system. Finally I met with a victim of domestic violence, as well as members of his legal team. We discussed the failings of the system and how it has affected him and his family.

In Gratitude

Tackling domestic violence is a necessary and invaluable task for the success and growth of any society as it affects all of its members: men, women, and children. Furthermore, justice cannot exist until all human rights are protected consistently and habitually. The Kosovo government and the Deputy Minister of Justice, and National Coordinator on Domestic Violence, Mr. Lirak Celaj, should be commended for making Domestic Violence a priority and for showing a willingness to make the necessary changes required to ensure justice for victims and accountability for offenders. Without a consistent and firm response to domestic violence, that makes clear that it will not be tolerated, the problem will never enter the path to eradication.

Thank you to the individuals who took the time to meet with me during my visit to Kosovo. I met with people from across Kosovo who have experience in the justice system working with Domestic Violence. Their personal experiences and insights provided me with a practical and personal understanding of the functioning of the justice system. This allowed me evaluate the strategy from the viewpoint of those who work in, or have encountered, the legal system.

Finally, thank you to the United States Department of Justice and the United States Embassy whose hardworking members continue to work to assist Kosovo to have the strongest possible

criminal justice system, and of course, for assisting me in gathering extensive information as to the current state of affairs as they pertain to the legal system and domestic violence.

Introduction to Assessment

The assessment is divided into two portions; services for victims and the treatment of domestic violence cases by the justice system. A justice approach typically focuses on the offender. This two pronged approach to combatting domestic violence is essential. There can be no victim without an offender. A comprehensive strategy corrects the offender's behavior and empowers the victim. This portion of the assessment focuses on how The Strategy directs the Kosovo justice system to handle Domestic Violence.

First, the Assessment examines The Strategy's approach to defining Domestic Violence. The next segment reviews the portions of The Strategy that address the justice sector. Then there is an evaluation of the Standard Operating Procedures drafted by the government of Kosovo to implement The Strategy. The final segment includes proposals and recommendations for the future.

Domestic Violence Defined

This first section of this assessment is dedicated to addressing problems with The Strategy's approach to defining Domestic Violence within the justice system. Domestic Violence is a multi-faceted problem. There are psychological, legal, financial, societal, cultural, and various other perspectives on the problem creating many different approaches. To clarify Kosovo's institutional approach to Domestic Violence it is necessary for The Strategy to provide a clear definition and outline.

Domestic Violence is not a crime named in the Kosovo Criminal Code. It is defined by the relationship between the parties. One must look to the Law on Protection Against Domestic Violence to find a definition of the types of relationships under which crimes of Domestic Violence may fall.⁸⁶ These are the qualifying relationships that would enable a victim of Domestic Violence to receive a protective order from the Kosovo Civil Court. The law is unclear, however, which leads to the assumption that criminal conduct perpetrated between members of the defined family relationships will be considered Domestic Violence by the Criminal Court as well as the Civil Court. Yet this does not appear to happen in practice.

It should be understood that crimes amongst family members are just as serious, if not more so, than crimes between those without a family relationship, for within these relationships is often recidivist conduct, including an escalation in behavior. The emotionally charged and intimate nature of Domestic Violence related crimes makes each victim at risk for more severe victimization and even homicide. The person who is assaulted by a stranger, or the co-worker who is assaulted by a colleague, seldom live in danger waiting for the next act of violence. Domestic Violence is cyclical in nature with periods of positive interactions followed by an escalation in tension, which lead to another act of violence. Internationally, Domestic Violence is recognized as a pattern of coercive behavior designed to assert and maintain power and control over another person of a familial or intimate relationship. Domestic abuse takes many forms including, but not limited to, violence, economic abuse, sexual abuse, emotional and psychological abuse, verbal abuse, intimidation, and isolation, as well as minimizing the abusive conduct and blaming the victim for causing it. An escalation can often lead to serious bodily injury or death.

⁸⁶ Chapter 1, Article 2, section 1.1

There are a number of indicators that suggest escalation, and even lethality. These indicators include depression and suicidal ideation, homicidal ideation, gun possession and threats with a gun, pregnancy of the victim, unemployment, and the serious act of strangulation which will not only reinforce fear in the victim but can be seconds away from taking her life.

As The Strategy on Domestic Violence indicates, violence within intimate relationships is a serious and pervasive problem in Kosovo with many of its residents believing that violence is a natural occurrence during arguments and that sexual violence is not criminal when occurring between partners.⁸⁷ Unfortunately, also noted by The Strategy, Domestic Violence is not always reported, and continues to be a matter the family attempts to resolve internally, directing shame at the victim. Until attitudes change and the role of women improves with the encouragement of greater equality, Domestic Violence will continue at its present rate.

Summary of Findings

Included within the “Summary of Findings” is a brief analysis of all segments of The Strategy that involve law enforcement and the legal system. The segments that do not address justice system components are included in Chapter One of the assessment which focuses on victims’ services. Each title taken from The Strategy is followed by an analysis of that section. While concerns and suggestions will be noted, they will be more fully addressed in the “Proposals and Recommendations” section of this assessment.

Institutional Mechanisms (Chapter II: 2.3.2)

According to The Strategy “Institutional mechanism means all mechanisms that have a role and responsibility in preventing and combating domestic violence in the Republic of Kosovo.”

A coordinated response is necessary to address the issue of Domestic Violence. There is not currently a strong network of information that is provided and shared amongst partner institutions in Kosovo. The Strategy offers guidance on the roles of all partners in their individual capacity yet few systems are in place to encourage coordination and information sharing.

The Kosovo Police appear to uphold their responsibility to notify Victim’s Advocates as required. Prosecutors are a weak link and are not clear partners in the fight against Domestic Violence, in that the Kosovo Police do not feel routinely supported by the Prosecutor’s Office to hold offenders accountable. In addition there is a lack of coordination between what occurs in Civil Court, and how Prosecutors handle Criminal Court matters when defendants and victims have proceedings in both courts. Prosecutors do not appear to feel obligated to the defense bar, or the public, when there are inquiries about pending matters, and this lack of transparency negates the possibility of trust-building.

Furthermore, prosecutors are not specialized to handle domestic violence cases. These cases should be specialized because it would allow prosecutors to become more familiar with individual victims and offenders, patterns of offending, and recurring offenders. The complicated nature of these family relationships require of key stakeholders specialized training as well as a tough but compassionate outlook. These cases are not receiving specialized attention when they are shuffled around in the mix with all the others. It is a tremendous detriment to all of the cases prosecuted when there is not a single person responsible for all aspects of the case including appearing for all court dates; something that

⁸⁷ Chapter 2.3 of the Kosovo Program on Domestic Violence and Action Plan 2011-2014

is even more problematic when the case involves family, emotions, violence, the potential for escalation, and even homicidal behavior.

Unfortunately, it is unclear if criminal charges are always sought when a crime is committed. The result of a civil code definition of Domestic Violence and applicable laws works to suggest the implementation of civil remedies as most prevalent when dealing with Domestic Violence. This works to undermine criminal responsibility, which is of the utmost importance when attempting to reduce Domestic Violence on a national level.

All key stakeholders do not appear to be well coordinated and they appear to lack a shared mindset about the goals of The Strategy. For example, not all key stakeholders agree that detention is an appropriate remedy. The police who respond to these calls for assistance would likely express frustration that there are not more Requests for Detention, yet prosecutors and judges focus on the impact to the offender, such as the consequences of detention to the offender when he is the breadwinner. Judges and prosecutors often focus on what they believe to be best for the family, and whether the victim has other housing options. These considerations often result in a decision to maintain the current living situation instead of disrupting it for the sake of safety and accountability. Without a shared priority and mindset, consistency and change will be elusive. While priority is given to Domestic Violence by specialized police personnel and Victim Advocates, the efforts of Prosecutors and Judges must collaborate. Without clearer goals and a shared mindset of safety for victims, and accountability for offenders, results will be inconsistent at best, and ineffective at worst.

National Coordinator

According to The Strategy, the “National Coordinator is an individual body responsible for coordinating, monitoring and reporting on implementation of policies, activities and actions envisaged in The Program Against Domestic Violence.”⁸⁸ This task is a large one and may require a team of people to ensure the implementation of The Strategy. Moving forward, there should be clearly defined methods for accountability, monitoring and enforcement of The New Strategy. This will ensure a clearer evaluation of its success.

Kosovo Police

The Kosovo Police appear to comply with the structure required by The Strategy; however, there are critical problems with their ability to handle these cases. Specialized Officers work to share information with victims regarding services, Protective Orders and the role of Victim Advocates. One of the gaps not addressed in The Strategy is the fact that usually, the first responding officer to a call for assistance is not a Domestic Violence Officer, but rather the nearest available Patrol Officer. The most effective solution would be to increase the number of specialized police officers which would allow for an increase in contact with victims and offenders. At the very least, all officers must be trained to handle these complicated requests for assistance especially since there are not the resources, including, unfortunately, a lack of vehicles, for DV Police to visit all victims and respond to all calls.

Furthermore, a more coordinated database of reports made would allow Kosovo Police to more readily identify “high risk” victims. Those victims who are at a high risk of being re-victimized could receive greater support from Advocates and Police. Officers could conduct

⁸⁸ Chapter 2.3.2

“home visits” on a regular basis to check in with the family. A greater presence will work to create better relationships with the police for some, and for others, including offenders, it will create fear that continued abuse will be found out.

Victim Advocates

Victim Advocates are tasked with protecting the rights of victims. This is difficult when there is a lack of support and collaboration from other key stakeholders in the fight against Domestic Violence. Advocates appear educated on the law as well as on the Standard Operating Procedures (herein after “SOPs”). The Victim Advocates have the power to pursue representation in criminal court on behalf of a victim. To improve the treatment of Domestic Violence cases in the criminal justice system, Victim Advocates must pursue criminal charges when the evidence demonstrates the existence of a criminal act and the prosecution fails to pursue an investigation.

Prosecutors Are Missing from Chapter on Institutional Mechanisms

The important role of State Prosecutors is seldom mentioned nor delineated within The Strategy, and they are completely missing from the chapter on Institutional Mechanisms. Prosecutors are tasked with enforcement of the law as well as the protection of the victim as well as the society at large. Their role cannot be understated in the fight against Domestic Violence yet they seem to be given discretion regarding when and if to prosecute, as well as when and if to detain an offender. Prosecutors are in the remarkable position of holding the keys to accountability, which can potentially lead to less crime and therefore a safer community. This power must be yielded in a more consistent and systematic way.

Critical Issues in Understanding and Implementing the Legal Framework (Chapter III: 3.2.1)

The Strategy addresses critical issues in need of recognition and improvement, as identified by workshops and consultations with experts. While it is valuable to address these areas, there is insufficient guidance provided as to how to correct these issues. Furthermore, The Strategy lacks a proposal for oversight, a necessity to ensure improvement and correction. Unfortunately, problems are stated but no solutions are set forth. Change needs encouragement and guidance with a clearly defined solution-oriented approach.

- *The level of knowledge of international conventions and enforcements by judges, prosecutors and lawyers is limited*

The Strategy educates victims about Domestic Violence but not the institutional practitioners tasked with protecting victims. The Strategy offers extensive focus on educating victims regarding their rights and the applicable law. While this is a valuable tool in empowering victims, there should be similar focus on educating those who break the law, as well as those who enforce and uphold it. Ongoing legal education in the form of legal updates and trainings provided by the government might be helpful to enforce expectations as well as to help these expectations evolve. Judges, Prosecutors, Police Officers, and Victim Advocates must all be aware of the basic legal rights and prohibitions when dealing with Domestic Violence or there can be no improvement. Key stakeholders must be aware of all relevant laws and rights, and all

must recognize the import of the issue and the need for change and accountability. This should extend beyond those who specialize in domestic violence, as others may come into contact with victims and with these issues.⁸⁹

- *Delay in issuing protective orders and lenient punishments to recidivists and violators of protective orders*

Domestic violence cannot be eradicated without penalties to offenders, and at times, harsh penalties. Without a zero tolerance approach by all those who work with victims and offenders, the status quo will remain. Offenders must be held accountable or protective orders are of little value. There must be stricter guidelines and greater guidance provided to remove such vast discretion from those who are responsible for holding offenders accountable.

Policies can be set by either the Minister of Justice, or regional prosecutor’s offices, to advocate for a more consistent outcome in these cases. Law No.03/L-182, Kosovo’s Law on Protection Against Domestic Violence, should more clearly define criminal remedies, and allow for and encourage the enforcement of civil remedies when there is a violation of a protective order.⁹⁰ Arrest should be mandatory, and criminal penalties should be considered so as to prioritize Domestic Violence and take more seriously the acts of offenders when they violate a court order. Protective order violations should therefore be integrated into the country’s Criminal Code. A violation of a protective order should be a clearly defined offense under Chapter XVII, Criminal Offenses Against Liberties and Rights of Persons. It should be clear to key stakeholders, victims, and offenders, that crimes of domestic violence are not limited to the request for a protective order in civil court proceedings but that there is criminal responsibility for violating these orders. Domestic Violence must be recognized as ANY crime committed by those within one of the named relationships.⁹¹

- *Issuance of limited measures envisaged under the Regulation on protection against domestic violence*

As stated above, greater guidance will lead to better application of the law and enhanced consistency. Furthermore, without education on the dangers presented to victims and on the cycles and patterns of abuse, it will be difficult to determine the appropriate remedies. The safety of the victim and her children should be the primary concern. As it stands, if the victim does not ask for specific assistance, it is not offered by the court. Victims and Advocates are expected to know the law better than members of the Judiciary. Furthermore, the system is not “user-friendly,” making it difficult for victims to maneuver. If a victim decides to request additional protective measures during the proceeding it is necessary to re-petition the court. This causes delays in obtaining what victims need in order to be safe. The process needs to be more flexible so that the court’s final order can include all appropriate remedies.

⁸⁹ For example, when a call is made by a DV victim for assistance from the police department, specialized officers are not the first to respond as there are too few and it is primarily the nearest patrol officer who will assist. Furthermore, Criminal Court Judges who must preside over cases involving Domestic Violence as well as violations of protective orders do not currently specialize yet would benefit from further training on issues related to Domestic Violence.

⁹⁰ While Article 25 of the Law on Protection Against DV provides for civil penalties including a fine and imprisonment, penalties are rare in civil proceedings are reserved for criminal prosecutions.

⁹¹ The Law on Protection Against Domestic Violence broadly defines the conduct that it can consist of, as well as the types of relationships through which it can be perpetrated. These definitions should extend to the Criminal Code.

- *Poor justification of resolutions which impose protective orders*

The Strategy is lacking in clearly defined expectations for the Judiciary regarding a more consistent approach to the imposition of protective orders. The discussion of this critical issue in The Strategy does not explain the problem, nor does it offer a solution. Clearer expectations that lead to a consistent approach will result from greater guidance, education, and monitoring, all of which should be implemented by Kosovo institutions. Laws would develop more fully if Judges provided written decisions, which in turn might offer guidance to other Judges when they are interpreting the Law.

- *Limited attention in ensuring the implementation of protective order*

Any victim who has grounds and requests an order of protection should be granted one. Until a victim's safety is determined to be the priority, protective orders will be analyzed based on the factors important to each individual judge, and frequently, based on the family's financial situation. The family's financial situation should have no bearing on the implementation of a protective order. Victims' Services must assist with alternative housing in situations where a victim is unsafe at home, or the offender should be excluded from the home. Furthermore, Courts should impose orders prohibiting approaching a specific person or place as provided in Article 177 of the Criminal Procedure Code. When an offender is arrested, the Criminal Court should also have the authority to grant an order at the request of the prosecutor, which could be done in all cases.⁹² It appears that the Diana Kastrati case has caused a change in the mindset throughout Kosovo as to the issuance of orders, but orders that require an offender to simply sleep in a different room or to stay 5 meters away from his victim do little to ensure a victim's safety, nor the safety and well-being of their children.

- *Limited professional capacities assigned to cases of domestic violence*

According to The Strategy, all sections of the Judiciary should specialize in Domestic Violence, yet, in practice, this is not happening. Only Civil Court Judges who deal with family issues specialize, and not well. Criminal Court Judges do not specialize at all, but should. Due to the fact that issues of Domestic Violence can pervade all other laws, all Judges should undergo training and education so as to better understand the dynamics of Domestic Violence, the forms it can take, and the difficulty a victim may face when trying to cooperate with law enforcement or when trying to leave the relationship. Without a clearly defined proposal for specialization and training, a statement that this should happen, will be just that: a statement.

- *Limited trust of citizens towards judicial system*

The Strategy addresses concern over the lack of trust for the criminal justice system. If victims are leery of the court system, it is the Police, Advocates, and Prosecutors that must put them at ease. An introductory conversation should include an overview of the court system and how it can help them. Pamphlets and brochures should be designed to demystify the system, and the involved procedures. Of all populations, victims of domestic violence are least likely to know their rights because abusers benefit from their lack of knowledge. Furthermore, misinformation provided by their abusers often works to inhibit their cooperation with a criminal prosecution. An uninformed victim is more likely to be an uncooperative victim. All aspects of the criminal justice system should be explained to the victim. This will empower them, and inform them. The dissemination of information to victims, and the collection of information

⁹² This assessment will address further in "Proposals and Recommendations" the issue of prioritization of the victim's safety as well as the need for supportive services to prevent a family's financial situation from being the controlling factor when making protective order decisions.

from them, also works to build trust. Victims must see key stakeholders as accessible and knowledgeable in order to build this trust and to see utilization of "the system" as a viable path to safety.

- *Underreporting of violence against children, elderly and disabled persons*

The strategy lacks a clear message about Domestic Violence. The message should be that Domestic Violence is a crime that will not be tolerated. This will demonstrate to everyone, including victims and offenders, that reporting crime is the only way to reduce violence against women. Surely, offenders do not benefit from a victim reporting a crime. Work must be done to lessen the isolation of victims of Domestic Violence. The justice system needs to instill trust and confidence so that women will feel protected and not fear the consequences of going to the authorities. This will allow victims to come forward with greater ease.

To support these efforts, training is needed on forensic interviewing techniques. All members of law enforcement must be able to interview a child or vulnerable person, including adult victims of domestic violence. A victim cannot be assisted if members of law enforcement are unable to gather the necessary information. If information is not obtained, then it cannot be shared with a prosecutor or a judge. Again, training and guidance will assist in helping those who have direct contact with victims to be in a better position to assist them. This must include a better understanding of the limitations of victims who are not fully cooperative, and how this lack of full cooperation may affect accuracy of reported information.

Critical Issues in Functioning of Institutional Mechanisms (Chapter III: 3.2.2)⁹³

This section of The Strategy identifies the shortcomings in the functioning of each institution responsible for providing services and support when there is an incident of Domestic Violence. The Strategy sets forth the lack of infrastructure and prioritization to support efforts to address domestic violence as critical issues. Unfortunately, no guidance is provided as to how to create change and build a better system, nor how the government will go about ensuring that Domestic Violence is a priority for all of its partners.

- *Lack of human resources and professional capacities qualified for prevention and provision of services to victims of domestic violence*

More resources must be dedicated to developing the professional capacities of those in the justice system if a change within the present society is to occur. Domestic violence is an international problem. The solutions are only as successful as the resources dedicated to them. During the information-gathering phase in preparation for this assessment, it was surprising that prosecutors do not specialize in Domestic Violence, even though there are prosecutors who are considered "Domestic Violence Coordinators". These prosecutors are responsible for the intake and distribution of these cases but they do not actually prosecute the domestic violence cases for the region. Furthermore, prosecutors do not handle their cases from start to finish since they frequently pass the files to others to "cover" on court dates. The short staffing of prosecutor's offices leads to the shuffling around of cases, lack of clear knowledge of cases, and a clear lack of specialization in Domestic Violence. Without greater resources it is difficult to imagine that justice is a possibility.

⁹³ Most of the Critical Issues involving institutional mechanisms addressed in The Strategy involve services for victims, assessed by the United Nations Development Program.

- *Important law enforcement institutions do not consider domestic violence a priority*

Prioritization of Domestic Violence lacks clear guidance resulting in disparity of treatment of these cases from prosecutor to prosecutor or judge to judge. Domestic Violence cases continue to be treated as complicated family matters with no easy solutions, best handled in Civil Court. To fix this problem, specific prosecutors and judges need to be dedicated to handling domestic violence cases in the criminal justice system. Knowledgeable and informed prosecutors and judges will create a deterrent effect for offenders who are likely to not only re-offend, but to escalate their violent behavior, further violating victims' rights and endangering victims' lives and the welfare of their children.

Violence between strangers is often taken more seriously than violence between people in a relationship. Yet, violence within a relationship is likely to occur again and again, and each time it does, it might get more violent than the time before. Each instance of abuse will cause the victim to feel more alone and isolated and more in fear for her life and her future and more resigned and emotionally battered. If she chooses to leave, this is the most dangerous time for her because a man who wishes to exert his power over a woman is not going to easily release his control and is going to lash out when this control is threatened. This is when homicides occur. It leads to the question, "why is violence between strangers taken more seriously than violence that occurs between intimate partners?" It is unlikely that the stranger will be harmed again, yet the physical and emotional harm to the woman and her children could last a lifetime and repeat in future generations. The man who hits his wife should be punished more harshly, not less, and this punishment should exist regardless of the wife's wishes. Accountability must be consistent, or there is no point to criminal prosecution or the presence of a Domestic Violence law. Domestic Violence affects an entire society; the safety of its members as a whole. Any strategy can be instituted, but without the necessary resources, directives, education, training and financial support, it is only a set of recommendations that will remain unimplemented and unenforced.

Strategic Objectives and Policies (Chapter IV)

The Strategy offers a list of suggestions in "Strategic and Specific Objectives"⁹⁴ and "Formulation of Policies and Programs for Every Sector".⁹⁵ There is a list of what The Strategy wishes to accomplish but no concrete suggestions for making the list a reality. If implemented, many of the suggestions would be positive steps forward, and the SOPs are helpful in this, but The Strategy itself offers few clear directives for ways in which to implement the goals of The Strategy. It fails to provide mechanisms to monitor or enforce implementation of The Strategy as well. It does appear that more cases are being reported, and the creation of the Law on Protection Against Domestic Violence is a tremendous step forward. There has been some training for stakeholders which appears to be successful, but the training is limited and more must be done to ensure a consistent approach. Organizations like CLARD are working to educate the population. However, it is the responsibility of Kosovo institutions to disseminate a clear message to provide consistent guidance that Domestic Violence will not be tolerated.

⁹⁴ Chapter 4.1

⁹⁵ Chapter 4.2

Program Monitoring and Assessment

Statistics and uniform data collection are necessary to assess the success of Kosovo institutions that implement The Strategy. There is no meaningful system of monitoring and accountability for stakeholders. It is difficult to assess the number of cases or an increase in reporting if statistics are not routinely kept by law enforcement, prosecutors or the courts. Furthermore, adherence and implementation of The Strategy is difficult to determine if there is no reporting of implementation nor its successes and failures. It will take time to establish the best possible system for dealing with Domestic Violence in Kosovo. A reliable and consistent method of accounting of implementation must be reported to the DV Coordinator to ensure the best course moving forward.

The Strategy provides that the Agency for Gender Equality should monitor the number of Domestic Violence cases. This approach neglects the role of the justice system in combatting Domestic Violence and ignores the role of the National Coordinator as part of the Ministry of Justice. The police, victim advocates, prosecutors and courts must maintain statistics. The data collected must include statistics about the reporting, investigation, prosecution and conviction of crimes of domestic violence as well as requests for and issuance of Protection Orders.

Standard Operating Procedures

Following The Strategy, Standard Operating Procedures to Prevent Domestic Violence were adopted to overcome gaps in the treatment of Domestic Violence victims by Kosovo institutions. The Standard Operating Procedures worked to provide substantive guidelines for the roles of each key stakeholder. Yet without enforcement or accountability, fulfillment of SOP objectives are inconsistent. The Judiciary and Prosecutors were less informed of The Strategy and the SOPs as compared with Police and Victim Advocates. One reason for the discrepancy is that The Strategy focused on victims and on services for victims, rather than addressing the behavior of the offender. The SOPs support The Strategy, yet they were unable to overcome the gaps in The Strategy which lacked detailed directives for change, particularly in the areas of monitoring and implementation enforcement.

Proposals and Recommendations

The following section of the assessment provides proposals and recommendations for inclusion in future efforts to address the problem of Domestic Violence. These proposals and recommendations focus on changes to the approach to Domestic Violence and future strategies for Kosovo's justice system. These suggestions must be considered as a supplement to the comments contained in the Summary of Findings.

Critical Issues Not Addressed in The Strategy

There are several key factors that are completely missing from The Strategy, which will be addressed below. These include (1) a zero tolerance policy across all Kosovo institutions regarding Domestic Violence, (2) an offender based model to eradicate Domestic Violence, (3) actual solutions to the problems that existed five years ago, and still exist, (4) clear requirements

for specialization for institutional actors, (5) a commitment of greater resources, (6) a model for training and education by and for key stakeholders, and (7) a monitoring strategy to ensure enforcement and to assess progress.

Define and Understand the Problem

All stakeholders, especially those in the justice system, must be better educated on the psychological phenomenon of Domestic Violence and the international standards to combat it. The common perception throughout Kosovo is that Domestic Violence involves minor assaults and requests for protective orders. This definition of Domestic Violence is inadequate to meaningfully eliminate, or even reduce, Domestic Violence in Kosovar society. To improve stakeholders' understanding of Domestic Violence requires more in-depth training on the complicated dynamics of Domestic Violence and the multitude of abuse and controlling behaviors available to offenders.

This lack of comprehension about Domestic Violence dynamics is demonstrated by the unsupported belief of judges and prosecutors that victims lose their desire to cooperate in a criminal prosecution, or lose their interest in a protective order, because their relationship has improved and they are no longer fearful, nor in danger. Domestic Violence does not usually self-correct. A man who is violent in his relationships does not suddenly decide that he will use no forms of abuse and live his life in a healthy way. Instead, the members of the Kosovo justice system must be trained and educated to recognize that victims often make decisions based on fear, pressure, shame, misinformation, lack of self-confidence, or lack of alternatives. Without a clearer understanding of the cycle of violence, and the forms of abuse, in a Domestic Violence relationship, the prosecution and adjudication of these cases will continue to be ineffective.

Concrete Methodology

The New Strategy should consider clearer directives and plans. The prior strategy provided only information regarding what was not working, and a list of corrective needs. The Strategy was a good first step in identifying issues and in expressing the need to prioritize Domestic Violence, but moving forward it is necessary to have a strategic plan with deadlines for implementation and the financial resources to make change possible.

Furthermore, The Strategy needed separate and supportive SOPs but did not direct the specific purpose of the SOPs or a period for enactment. This failure added years to The Strategy's implementation. While suggestions for best practices can be helpful, stakeholders need directives. A stronger structure for enforcement will benefit everyone. Implementation should happen in stages. There should be a team of people tasked with overseeing the implementation, addressing issues, and recognizing where resistance exists with the ability and power to mandate implementation. Ideally this team would be comprised of people who understand and care about Domestic Violence. The Domestic Violence Coordinator has limitless power in ensuring adherence, and consistency, but it is a large job that requires the extensive attention of dedicated individuals.

Consistent Approach to Domestic Violence

The different judicial regions of Kosovo interpret and implement the law differently. This is due to a gap in The Strategy to outline a consistent approach. A precise strategy creates a better environment to ensure a consistent implementation. There needs to be greater accountability when The Strategy, or law, is not consistently applied. While the approach to granting of protective orders, arrests and requests for detention, accountability for offenders, and services for victims should be consistent, there should also be freedom to problem-solve and implement helpful tools. There currently is little freedom by stakeholders to address the issue of Domestic Violence in their region in a way that works best for them. People who care about the issue and understand it have no ability to create change on a local level. They wait for directives from above and cannot act without them. For example, one police officer reported that the forms in the SOPs were helpful and pertinent but the officer did not use the forms because the supervisor did not direct it. People on the front lines, who follow and support the law, should also feel empowered as they should be more intimately familiar with the problem, and even the individual victims and offenders. Kosovo should implement annual or semi-annual meetings for stakeholders to come together to discuss their efforts and to learn from one another. Everyone would benefit and the DV Coordinator would have the opportunity to see The New Strategy evolve.

Shift in Mindset / Change in Dialogue

One of the greatest obstacles to change in Kosovo is the present mindset that Domestic Violence is a family problem. Unification of the family is the primary goal of courts and prosecutors. Victims are blamed and shamed by the system. This is an ineffective approach. All stakeholders need to recognize that Domestic Violence is a public health issue, as well as a human rights issue and no longer does family unification trump a victim's safety. Safety of the victim and offender accountability must replace family unification as The Strategy's priorities.

International law often focuses on the protection of the victim or the disenfranchised. The Strategy clearly examines Domestic Violence through the lens of human rights. While services for, and the education of victims is a necessity in order to make a change, the conversation has to shift to include the offender. We help a victim and the offender finds a new one. We change the offender and we decrease Domestic Violence. The current language of The Strategy suggests that victims have an illness that needs attention. They need to be rehabilitated and reintegrated. While it is fair to suggest that victims need a coordinated response of services, it is the offender who needs treatment. The current dialogue surrounding Domestic Violence is missing accountability and rehabilitation for the offender. The Strategy must clarify that the offender is the problem not the victim.⁹⁶

Zero Tolerance Message / Domestic Violence is a CRIME

While a the Law on the Protection of Domestic Violence is a tremendous step forward, it is unfortunate that it is only a Civil Court remedy, and it primarily addresses the issuance of protective orders. The New Strategy needs to address the treatment of Domestic Violence in the criminal justice system. Domestic Violence consists of various types of criminal behavior that can be found in a variety of sections in the Criminal Code. Most often, when a woman seeks

⁹⁶ An offender-centered approach will be discussed further below.

a protective order, it is the result of abusive and criminal behavior. If not, she would not have grounds to obtain one. Yet, arrests are not made based on these allegations which are proven before the court in support of a protective order. Whenever a victim comes forward and claims that an offender has violated the Criminal Code, an arrest should be made. This is the only way to convey the simple message that Domestic Violence will not be tolerated. A Zero Tolerance policy will show offenders that there will be accountability and will show victims that if they report, action will be taken.

Another important outcome is a reduction in discretion. Until all stakeholders adopt a Zero Tolerance approach to Domestic Violence, it is important to reduce the number of mitigating factors prosecutors may consider when deciding to arrest or detain an offender. If the law is broken, prosecutors and police should be required to act. Furthermore, the current law on Domestic Violence is drafted to contain options. A violation in an Order of Protection should require detention and consequence. A hard stance must be taken to ensure the message is received: Kosovo Will Not Tolerate Domestic Violence... Offenders Will Be Punished.

Informed members of the legal profession believe that issues of Domestic Violence should be heard before a Criminal Court Judge, not a Civil Court Judge. There is too much separation between protective orders and criminal behavior when in reality they go hand in hand. Many victims request protective orders as a result of violent, and therefore criminal, behavior and many protective orders are then violated; also criminal behavior. As designed, the split works to suggest that domestic violence is a civil matter and a part of a family court proceeding as opposed to a more serious offense against the state. The current organization minimizes the importance of the issue of Domestic Violence and makes it more difficult for the victim, who must maneuver two different, and separate, court procedures. Furthermore, many of the benefits of having judges who specialize are lost. First, only Civil Court Judges specialize in Domestic Violence, yet they don't preside over most of the Domestic Violence cases which should ultimately receive attention by the Criminal Court. The judge who gains information about the victim and offender's situation is not the same judge who addresses criminal remedies. Adding to the difficulties is the fact that the judge who has to make difficult decisions about the type of protective order to grant to the victim has no involvement in the results of that protective order. The Civil Court Judge is not made aware of violations, nor is this judge involved in enforcement of these orders, nor accountability, when violations occur. It would be more efficient if the judge who issues the order and provides the instruction to the offender is also the judge who sees the offender when the protective order is not abided by.

Ultimately though, criminal conduct belongs before a Criminal Court Judge. Kosovo should consider an amendment to, or a revision of, the Law on Domestic Violence offering clarity that all acts of Domestic Violence, not just violations of protective orders, will be taken seriously and handled criminally. Pursuant to Article 177 of the Criminal Procedure Code, prosecutors should request that Criminal Court Judges grant protective orders at the initiation of a criminal prosecution. Orders could be temporary, remaining in effect during the pendency of the case, and at the resolution of the case a "final" order could be issued, of varying duration depending upon the resolution of the case and the charge the defendant is found guilty of. In situations where the offender's conduct does not rise to the level of a crime, the victim may have the option of seeking a protective order in Civil Court, violations of which can be addressed by either a Criminal Court Judge or a Civil Court Judge, depending upon the nature and severity of the violation.

In addition, an important component to a New Strategy is the specialization of Criminal Court Judges. If one judge per region heard all criminal cases involving Domestic Violence, he or she would be in the best position to impose sentences that are consistent, and would also

be at a tremendous advantage when dealing with recidivists. This judge would be familiar with the parties and could also establish a relationship with the specializing Civil Court Judge so that both may be informed of all pending matters between the parties (including but not limited to criminal prosecutions as well as divorce proceedings, custody and visitation, division of property, etc.)⁹⁷ This would work to benefit both victims and offenders. Having specialized Judges in place who have received education and training in the dynamics of Domestic Violence, along with specialized prosecutors, will allow for a better reaction, as well as prevention.

Prosecutors currently "specialize" in a very limited way. One prosecutor in each region is designated to specialize in Domestic Violence. Yet, in practice, the prosecutor who is the "DV Coordinator" simply organizes the Domestic Violence caseload and distributes the cases to other prosecutors. In some offices there might be additional responsibility, and in others, less, but this does not a specialization make. A prosecutor who specializes in Domestic Violence must receive additional training and education and should be responsible for all Domestic Violence cases from start to finish. This would benefit the cases, the victims, and the offenders. The specialized prosecutors would be in the advantageous position of having increased awareness of individual offenders in their region, and they would have the opportunity to establish relationships with other key stakeholders who also hold a Domestic Violence specialization. Many offices currently do not have the staffing or the resources to create this specialization. Furthermore, staffing issues prevent prosecutors from handling a case from start to finish, which is problematic and can be detrimental to the success of the case. This leads to prosecutors presenting a colleague's case to the court; a case in which they are unfamiliar with the evidence and relevant facts. If citizens are not protected by prepared and informed prosecutors who are tasked with seeking justice on their behalf, then the criminal justice system is failing everyone.

The author of this report is troubled by the lack of consistency in prosecution, the lack of transparency, the lack of high standards for work and for fighting for justice, the lack of familiarity with their own cases and outcomes, and the lack of resources provided to prosecutors; resources that would enable them to do more. Prosecutors must be held to the highest ethical standards as no position within the legal profession carries with it a greater responsibility to a society. "A prosecutor shall act at all times in a manner that promotes public confidence in the dignity, integrity, effectiveness, independence, and impartiality of prosecutors."⁹⁸ The prosecutor is the protector of all victims, the enforcer of all laws, and the insurer of accountability for those who choose to violate the rights of others, and violate the code of conduct proscribed by law. A prosecutor possesses the key to a person's liberty as well as to a person's safety, in addition to the safety of all members of the community. The most important duty of the prosecutor is to seek justice. There does not appear to be advocacy for justice on the part of the prosecutors but rather a gathering of information that is ultimately provided to the court. The role of the prosecutor should be further developed, and in doing so consistency amongst regions should be encouraged, as well as accountability for offenders of crimes involving family relationships.

⁹⁷ In New York, we have specialized DV courtrooms, one for lower level (misdemeanor) criminal cases and a second for more serious (felony) criminal cases. We also have an Integrated Domestic Violence court (IDV). This courtroom is available to parties who have a pending family court matter at the time that a criminal court case (involving any level of crime) is initiated. One Judge will handle both cases. While the Criminal Court case and the Family Court case involve different attorneys and are heard by the Judge separately, both are handled on the same day and usually in succession.

⁹⁸ The Code of Ethics and Professional Conduct for Prosecutors, Article 2, subsection 2.

Coordination and Collaboration

The SOPs have worked to more clearly define the roles of key stakeholders. Kosovo Police, and Victim Advocates appear to have benefited the most from the SOPs. Victims and offenders would benefit, as mentioned above, from a truer specialization by Prosecutors and Judges. These specializing members could better work together to help victims and to hold offenders accountable.

The former Strategy lacked, and the new one should include, mechanisms to monitor and enforce implementation. Ultimately, an important recommendation is to carefully appoint those who oversee the implementation of The New Strategy, as well as those members of key institutions who will specialize. In essence, people who are passionate about their work will generally perform at a higher level. Those who care about an issue will work tirelessly to be heard, and those tasked with helping others won't rest until justice is sought. This is a delicate issue for a country steeped in tradition. Those tasked with working with these cases need to be people who will care about them and who will work to ensure that steps are made to ensure the safety of victims and to decrease the likelihood that offenders will re-offend. Institutional actors need to understand the crime, the mindset, and the dynamics of Domestic Violence. With this need, there must be a desire to understand. The right people must be selected to extend the message of the Domestic Violence Coordinator; that The New Strategy must be utilized and that Domestic Violence will not be tolerated.

Define Priorities

A victim's safety, accountability for the offender, and crime reduction should be the primary priorities when designing The New Strategy to combat domestic violence. These priorities will always be compromised if they are overshadowed by different ideologies. The current thinking in Kosovo judicial and prosecutorial mindsets is the notion of family unification. It is clear that the desired outcome in Domestic Violence prosecutions and civil proceedings is to maintain the family structure and living situation. While a society's desire to maintain the family unit is not unreasonable, once Domestic Abuse has entered the family dynamic, this priority must shift to one in which the victim's safety is the central concern. One cannot claim to accept this priority, yet still enforce the law with a view towards keeping the victim within the same household as the offender. Victim safety and family unification are incompatible goals in a relationship involving domestic violence. Furthermore, the dynamics of Domestic Abuse are not easily broken. It is unlikely that a police report, protective order, or even a small period of detention will change the mindset of a man who abuses or batters. The behavior is likely deep rooted and often the result of exposure to similar behavior during childhood. Without true accountability, as well as real efforts to change the mindset of the abuser, the behavior will not cease. The message must be clear that if a victim is unsafe, she will be given protection, which often also entails assistance with daily living and the support of her children. The message to the offender must also be clear. Domestic Violence will not be tolerated and therefore there will be consequences, both for violent conduct as well as for violations of court orders. Continuing to maintain the antiquated mindset of maintaining the family unit at the cost of safety and accountability is dangerous and will lead to a continuation of violence as well as a likely escalation.

Services Must Support Priorities

While this portion of the Assessment is not intended to evaluate services for victims, it is clear that there must be systems in place to make safety and accountability a priority. Victims are currently trapped in abusive relationships because they have no other options. Judges choose to leave victims in the home with the abuser and his family because there are no other options for the victim. Offenders created the problem by their actions, therefore it might be appropriate for them to be inconvenienced with finding other living arrangements. Prosecutors hesitate to detain defendants because they are the breadwinners, and there appear to be no other options. With a shift in priority so will there be a shift in services that support these priorities. The question cannot be: She is not safe, but where can she go? The statement will be: She is not safe, we must help her to find a safe place.

In addition to services for victims, law enforcement needs more resources. This assessor was surprised to hear that there are not enough cars at police precincts so often Domestic Violence Officers cannot respond; that prosecutors' offices were too short staffed to designate one prosecutor to handle all Domestic Violence cases, and similarly, DV Coordinators in Civil Court are overburdened, and Criminal Court Judges do not specialize at all. If battling Domestic Violence is to be a priority, it must be felt in all areas: in the media, in law enforcement, in the court system and in services for victims and for offenders.

Deterrence and Rehabilitation for the Offender

Under the current way of thinking, it is considered a "mitigating circumstance" in the prosecution of a Domestic Violence case when the offender apologizes and promises that the behavior will cease. Judges inappropriately use this to justify a decrease in the offender's penalty. It reflects a failure to understand the dynamics of Domestic Violence.

Those who work within the field of Domestic Violence are familiar with "The Cycle of Violence". It suggests that when an act of violence occurs there is a period of remorse thereafter. During this period the relationship is usually at its best, most peaceful, and most loving. Ultimately tension starts to build again, and this tension leads to another act of violence. It is the remorse, as well as the peaceful and loving time that often encourages the victim, and causes her to stay in the relationship. This realization that the relationship can, at times, be a good one, enforces the idea that the relationship is working... until the next act of violence. Yet a victim in an abusive and violent relationship is never out of danger until the offender not only recognizes that a problem in his behavior and thinking exists, commits himself to making a change, and also gets assistance to change. This is not a couples' therapy issue. This is a deprogramming the batterer issue. For too long societies have blamed the victim for the violence. Ultimately, viewing Domestic Violence as the victim's problem or even a family problem is to view the issue through the wrong lens. There is only one reason why Domestic Violence exists, and this is because abusers choose to abuse. If we remove their desire to be violent and abusive from the equation, the issue is eradicated.

Treatment and accountability for offenders is an essential component to any strategy to combat Domestic Violence. Offenders MUST be held accountable or what kind of message does it send? One alternative to detention for offenders is a specially designed therapy and educational program intended to assist offenders in examining their own behavior and to better understand how their behavior affects others. It should not only address anger management and conflict resolution but their need for power and control and the various ways in which it is obtained.

They must be provided with an alternative to abusive behavior with a view toward teaching people what a healthy relationship, free from abuse and violence, looks like.

Institutional Accountability and Trust Development

Greater structure and clearer directives regarding oversight are missing in the prior strategy. Consistency throughout the country cannot happen without a structure of knowledgeable people who are given the authority to ensure that The Strategy is followed and enforced by everyone involved. With greater accountability will come consistency and greater trust for institutions by the community. If there is a fear that no good will come from reporting, no one will report. The Zero Tolerance message will create greater accountability for offenders and will show victims that the system can be trusted to help them.

In addition, greater transparency would benefit the community and create trust. Prosecutors are reported to be unresponsive to the requests of defense attorneys and to demands for answers by the community. This must change. Prosecutors have an important position and should continually work to build trust, not damage it by being unresponsive. Those who serve the public should be held to a higher standard, requiring oversight of case work and caseloads.

Greater Governmental Support for Victims

If the low economic status involving dependency on their abusers, as well as retribution for leaving are two of the largest impediments to seeking help and finding safety, greater steps need to be taken to (1) provide safe shelter for victims, and (2) assist them financially to learn how to support themselves in order to start a new life. One of the most dangerous times for a victim of Domestic Violence is when she chooses to leave the relationship. In Kosovo, this danger is compounded by the fact that the necessary assistance is not available, making this not only a dangerous and fearful time, but also a conflicted one as she may have to live without resources, financial means, and often without family support. Victims are encouraged to think of the children and maintain their abusive relationship, yet every violent or abusive home that raises children within it, creates a future generation of adults who do not know what a healthy relationship looks like, and worse, it creates future abusers and victims. This is learned behavior and institutions need to better evaluate what is actually in the best interest of not only the victim, but the children as well.

Summary of Recommendations

Kosovo has worked hard to define the essential components of its strategy. In addition to the added components of (1) a zero tolerance message, (2) offender accountability as well as (3) institutional accountability, (4) improved monitoring of not only strategy implementation but on statistics involving Domestic Violence, (5) transparency, (6) clearly defined objective and priorities and (7) additional resources, a New Strategy should contemplate (8) clearer directives and (9) a solution-oriented approach. Kosovo will not know how far it has come without examining the effects of improvements along the way. Statistical analysis can also be useful to gauge the benefits of change. It might take time to determine a strategy that works best to encourage reporting while reducing violence and crime. The commitment by the Kosovar Government to pay close attention to this issue should be commended. A tolerance for injustice and violence

only destabilizes a society and encourages violations of human rights. Moving forward to implement clearer solutions that address the core issues of those touched by Domestic Abuse will enhance the society for all who live within it.

Synopsis

- There must be a clear message that domestic violence will not be tolerated.
- Concrete steps must be provided to offer solutions to identified problems.
- Domestic Violence must be recognized and defined as a cyclical pattern of behavior.
- To reduce Domestic Violence there must be a focus on changing the offender's behavior.
- Victim safety and family unification are incompatible goals when a relationship involves Domestic Violence.
- Domestic Violence must be treated as a public health and safety issue, and its examination must extend beyond the realm of personal litigation, that results from limiting the definition of Domestic Violence to the Civil Code.
- The Criminal Code should include a definition of Domestic Violence.
- Criminal investigation and prosecution of domestic violence is necessary to stop violence against women.
- Institutional actors must be educated about Domestic Violence.
- All police officers should be educated about Domestic Violence.
- First responders should be specialized in the investigation and handling of Domestic Violence cases.
- Prosecutors must be identified as an important part of the Institutional Mechanisms.
- There must be a clearly designed proposal for specialization and training of both Civil and Criminal Court Judges and prosecutors.
- The law should be revised to ensure that the process is easier to navigate, including more clearly defined roles and expectations for Victim Advocates.
- Any victim who has grounds and requests an order of protection should be granted one.
- The financial status of a victim should not compromise her safety.
- The law should not permit an offender to remain at a shared residence as the result of convenience or a lack of alternatives.
- Key stakeholders must have the same approach/ shared mindset about Domestic Violence.
- Key stakeholders must be better coordinated.
- There must be mechanisms for regular meetings of Kosovo institutions to assess implementation and to share ideas.
- There must be oversight measures to ensure improvement and correction.
- There should be consistent and uniform treatment of Domestic Violence cases throughout Kosovo.

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

343.55(496.51)”2011/2014”(047)

Mustafa- Qosaj, Ariana

Evaluation report of Kosovo program against domestic violence : 2011-2014 / Ariana Qosaj Mustafa, Amy Litwn. – Prishtina : Asha, 2015. – 107 f. ; 21 cm.

Preface : f. 4

1.Litwn, Amy

ISBN 978-9951-717-02-1

