

CASE STUDY

Protection for victims of domestic violence in Kosovo

COUNTRY: KOSOVO

Year: 2016

Prepared under the project: "Improving the provision of Social Service Delivery in South Eastern Europe through the empowerment of national and regional CSO networks"

Reference:
EuropeAid/20132438/C/ACT/Multi



This project is funded by
European Union

CASE STUDY

Protection for victims of domestic violence in Kosovo

COUNTRY: KOSOVO

Table of content

1. Description of the innovative and sustainable example	3
2. A qualitative assessment of the local social realities	7
3. Means-tested analysis of the beneficiaries	7
4. Relevance to the EU policies	8
5. Qualitative assessment on the up scaling potential	9
6. References	10

1. Description of the innovative and sustainable example

Family represents the basis of every society and it is a key feature of a democratic society. The presence of domestic violence in a society has a negative impact in a proper functioning of the family in particular and in a society in general. The domestic violence may also result in risking the life and health of family members. Therefore, the creation of a sound family is the aim of every society.

Even though the war ended 17 years ago, Kosovo society continues to face the domestic violence which in particular cases have resulted in death of the victim. The patriarchal families continue to represent the model of majority of families in Kosovo. The poor economic situation of most of the families in Kosovo also contributes in retaining the patriarchal tradition and the reporting of the domestic violence is still a 'forbidden' for many women in Kosovo. These women consider that they will have no benefits if they report the domestic violence and they will lose the support of both their families and the society. Therefore, the aim of this paper is to present best practice measures that are applied to fight the domestic violence in Kosovo, as well as raising the awareness in the society against these phenomena.

In order to provide the direct support to victim of domestic violence CLARD office immediately makes the contact with the Kosovo Police, Department for the Protection of the Victims of the Domestic Violence and compiles protection order. Jointly with the representative from the Kosovo Police, a beneficiary is escorted to the police station where her/his statement is taken. After the statement is given in the police station, the beneficiary is accommodated in shelter where further physiological and medical treatments continue, while the beneficiary is assisted in shelter. Victims of the Domestic Violence are provided with the free legal aid, starting from the protection, divorce, and child care in cases where a beneficiary has children.

In case that the beneficiary has children, Social Workers within the Center for Social Services are contacted for further procedures. Further procedures may include a contact with the other parent if needed. In case that the other parent is in prison, the first of kin will be contacted. The above mentioned process is conducted in the presence of a Social Worker.

According to the statistics of the Kosovo Police, Center for Social Service, CLARD database and Shelters in the territory of Kosovo during the period 2005-2014, there have been 11.209 cases of the domestic violence recorded. In the table below, these cases will be presented according to the main regions in Kosovo:

Table 1. Number of domestic violent cases recorded in the Kosovo divided by the regions for the period 2005-2014

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Prishtina Region	428	392	344	295	297	231	268	301	251	268
Prizreni Region	241	251	197	212	206	194	172	139	194	210
Peja Region	218	234	160	221	217	204	207	190	211	232
Mitrovice Region	210	178	143	106	142	124	182	180	170	129
Gjilani Region	156	184	134	101	91	99	109	91	122	166
Ferizaj Region	117	132	99	99	127	92	108	120	139	128
Total	1370	1371	1077	1034	1080	944	1046	1021	1087	1179

Referring to the above data, the highest number of domestic violence cases is recorded in Prishtina followed by other main cities in Kosovo: Mitrovica, Gjilani and Ferizaj. The criminal charges have been initiated and processed against the perpetrators, in front of the courts of relevant municipalities. The number of the reported cases from year to year did not change significantly in most of the municipalities.

In the majority of reported domestic violence cases, the women are the victims. Wife is subjected to physical assault, psychological violence and sexual maltreatment by her husband. Although husbands may be victims of domestic violence, in Kosovo women (wives) remain the victims in almost every reported domestic violence case. In the table below, the numbers present comparison of cases when domestic violence are female victims to male victims based on the report of Department of criminal acts in the Policy of the Republic of Kosovo for the period 2005-2014.

Table 2. The number of domestic violence cases according to gender

Year	Female	Male	Total number
2005	1107	265	1372
2006	1104	338	1442
2007	874	231	1105
2008	836	220	1056
2009	915	215	1130
2010	764	190	954
2011	804	242	1046
2012	826	220	1046
2013	869	220	1089
2014	980	281	1211
Total no.	9079	2422	11451

The data of the Department of Criminal Acts in the Kosovo Police for the period 2005-2014 show that out of 11.451 domestic violence reported cases, 9079 are women while men are 2422. We should note that even in the case when men were reported as domestic violence victims, men were not victims of their spouses but of their other family members or cousins.

The protection of victims was supported by CLARD and relevant institutions offering immediate emergency services. Below, you can see a table of beneficiaries of the legal aid for 2015:

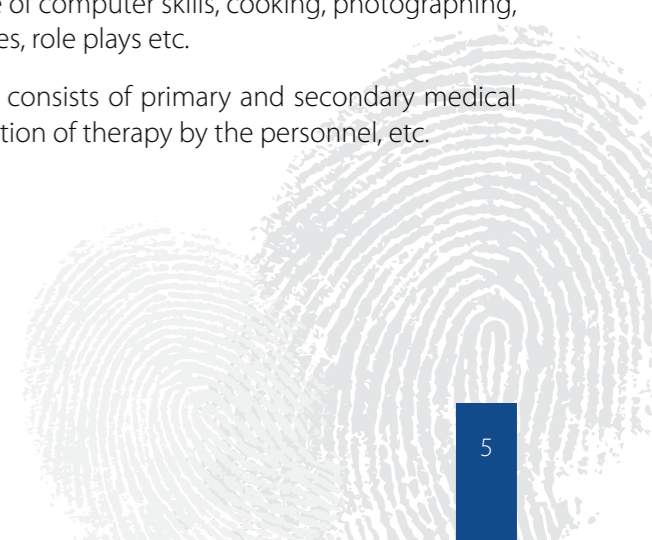


Table 3. Institutions offering services to beneficiaries, data of Municipality coordination council for victim of domestic violence – Prishtina Municipality, December 2015

Name of the Institution	Number of cases	Victim alone	Female	Male	Children victim of domestic violence
CSW	75	6	68	7	133
Police	114	78	104	10	36
Prosecutor unit	169	0	156	13	0
Shelters	29	7	29	0	25
CLARD	26	0	26	0	0

A great support in protection of domestic violence victims is granted by CLARD and other relevant institutions protecting beneficiaries with free legal aid, creating relevant conditions for further education and ensuring financial support for these victims. The services' provides are as described below:

- » **Services of free legal aid** – Most the beneficiaries are referred to shelter and their services from liable institutions, responsible for support of the victims like Kosovo Police, Center for Social Work and legal adviser in CLARD office in case to draft request on their behalf for protection orders and emergency orders, draft lawsuit, accompanying the beneficiaries in court proceedings and court sessions, in police, hospital and forensic institution.
- » **Sheltering** – main service of sheltering is the accommodation of the persons affected by any kind of violence; they offer high level of security, a 24-hour care from a professional personnel, welfare, quality food, maintenance of personal hygiene and the resident environment, adequate clothes, comfortable bed, sufficient space for recreation and other activities, different equipment etc.
- » **Rehabilitation** – beneficiaries are offered a reflection period of 48 hours, tranquillity, accommodation and adoption of the new environment, according with the schedule and house rules, contact opportunities with supporting institutions, communication with relatives, presentation of service packages, where the following is included: contacts with family relatives, evaluation of emergency needs as well as composition of an individual care plan for every beneficiary. At the moment of admission the beneficiaries are offered the package of care and personal welfare. This package contains sufficient clothes, as well as a package of personal hygienic items for every beneficiary. Every beneficiary is filed with all personal data and confidentiality regarding the case. The files contain the accompanying documents of other institutions, personal documents and the supporting documents for the services they have received while in shelter.
- » **Psychosocial support** – in the shelter, the beneficiaries are offered individual and group sessions of psychological treatment; group and interactive debates and discussions of the violent experience they have suffered, strengthening and raising of self-esteem in exceeding trauma; activities of occupational therapy like drawing, music, singing, handicrafts, reading of different literature from the organization library, reading daily newspaper and different educational magazines; increase of computer skills, cooking, photographing, aerobic and fitness classes, different individual and group games, role plays etc.
- » **Medical Service and Medicaments** – the package of health consists of primary and secondary medical services, receiving of therapy, follow-ups and timely administration of therapy by the personnel, etc.



Model of delivering emergency social services for victims of domestic violence

Existing tradition of domestic violence in Kosovo makes lots of women suffering and living in constant fear. Even though they realize the reality is unfair and bitter but changeable, most of them are afraid of reporting the abusers, so continue to suffer until maltreatment become too cruel to stand.

M.A. was brutally abused by her husband for several years of their life together. Apart of physical abuse, she suffered physical abuse on daily basis. After her husband threatens to kill her, she got the courage and, along with her children, entered CLARD office asking for help.

After she explained her case, it was clear that she wanted to leave the house, but her financial status did not allow her to do so. CLARD employees immediately offered her legal advices; Kosovo Police was informed so the case was opened and protection order issued. The Police in coordination with Social Service provided her access to shelter where she could stay with children. She finally felt safe.

After some time spent in shelter for victims of domestic violence, M.A. received proper care and was able to regain her self-esteem and recover from trauma. Center for Social Welfare has ordered that children will stay with their mother until the divorce. Nowadays, she is able to live freely and take care of her children in optimal environment, protected from fear and violence.



2. A qualitative assessment of the local social realities

The Law on Protection against domestic violence in Kosovo was adopted in 2010. Since domestic violence cases were reported before the law adoption, the enactment of this law was expected to contribute in providing significant legal support for the domestic violence victims. However, few of the basic provisions of the law, the provisions that set legal framework deadlines for protection order petitions are not respected by the Kosovo courts. The failure to implement these provisions in some cases concluded with the continuation of the violence and fatal outcome of the case. According to relevant institutions, the necessary measures have been taken against the responsible persons in the courts who failed to respect legal framework deadlines for these reported cases. However, if we refer to their cases that were reported, the judges in Kosovo continue to encourage a victim who has been subject to a physical violence to find a way and reconcile with her husband. The media also reported cases of maltreatment of women victims by the police force. Therefore, there is still lot to be done in order to increase the awareness of all stakeholders of the system in order to properly implement the Law on Protection against domestic violence as well as other applicable laws, without involving their personal judgment.

The large number of women as domestic violence victims is the main issue that CLARD is focusing at the moment. With all the work of the non-governmental organizations in offering protection to these women, there is a need for more coordinated program by the government that would serve as a prevention of the domestic violence against women. This should include gender education on the primary and secondary school programs. The media should be more active in this regard as well - raising awareness on the provisions of the Law on Protection of the domestic violence in order to inform the public contributing prevention.

3. Means-tested analysis of the beneficiaries

Provision of Free legal Aid and Legal Counselling, especially to vulnerable groups of Kosovo citizens (including those out of Kosovo borders), are the main activities of CLARD. These services contain civil, administrative and criminal law issues, especially advising and actions in the field of employment, antidiscrimination, property, family rights, domestic violence, and minority rights issues. Together with main office in Prishtina, CLARD also has legal clinics which are located in the Social Centres in each municipality. Through years, locations of legal clinics have been changed according to the needs of beneficiaries. At this moment, legal clinics covered by CLARD are located in: *Prishtine, Gjilan, Graçanicë, Vushtrri, Malisheve, Glllogovc, Ferizaj, Skenderaj, FusheKosove.*

On a monthly basis CLARD provides up to 90 free legal counselling and legal aid for beneficiaries, most of them covering domestic violence. In 2015, 26 cases of domestic violence were successfully completed in the favour of beneficiaries. Provision of free legal aid, legal counselling and social services always comes in cooperation with other relevant Institutions. Domestic violence cases are often referred by the Kosovo Police and Centre for Social Welfare.

When cases are referred from the abovementioned institutions, CLARD Legal advisors undertake the following actions: interview with the beneficiary, collecting the necessary documents, analyze the case and prepare the legal document in line with the beneficiary consent. The signed legal statement is filed within the CLARD database and this document will stay pending until the legal procedures are completed.

So far, CLARD identified the legal gaps related to domestic violence and lack of preventive measures by the institutions in charge. CLARD was also involved in giving recommendations for amending the law on Domestic Violence and lobbying for better implementation of legislative in cases of violence against women. This contribution was supported by women activists and civil society organizations, and the process was conducted in collaboration with national institutions. As a result, CLARD takes all measures to establish good practice to prevent violence and protect victims.



4. Relevance to the EU policies

Kosovo Constitution includes the special chapter 2, article 21 Fundamental Rights and Freedoms and article 22 foreseen Human Rights and Fundamental Freedoms guaranteed by the following: International agreements, European Union Policy and their Instruments are directly applicable in Kosovo and in case of conflict, have priority over provisions of Laws and other act of public institutions. European policy and International agreement with their Instruments are not ratified by Kosovo Assembly as it is not a competent Institution, but they are based on Constitution since 17 February 2008.

On 2011 Kosovo adopted Kosovo Program Against Domestic Violence and Action Plan 2011/2014. Also, on 27 September 2015 Kosovo signed the Stabilization and Association Agreement with the European Union. On 30 October 2015, this agreement approved by the Government, and then on 02 November 2015 the Assembly of Kosovo ratified the agreement under the law no.05/L069.

As a result, the Kosovo Institutions prepared national program for implementation of agreement for Stabilization and Association. The responsibilities related all field of life that have to be covered by the Kosovo Institutions are also included.

5. Qualitative assessment on the up scaling potential

CLARD's legal department is consisted of 9 legal advisers who are experts in the field of domestic violence and social issues. Beneficiaries are offered free legal aid at the CLARD offices. CLARD adopted the Strategic Plan improving services on legal protection, that involves the legal team, as well young lawyers who work voluntarily. One of the objectives of the strategy is to strengthen cooperation with responsible Institutions.

Together with IRIS member in Kosovo, CLARD will start awareness rising and advocacy campaign against domestic violence. This campaign will be conducted in the rural area in all regions of Kosovo. CLARD, as a part of Municipality Prishtina Coordination Council of Domestic Violence Victims, will increase its role by submitting real cases in order to open discussion and to find solutions. Municipality Prishtina Coordination Council of Domestic Violence Victims is officially functioning from January 2015 as an urgent response to assist the relevant institutions in order to offer services to the victims in timely manner. The Council consists of representatives from the Municipality of Prishtina, Centre for Social Welfare, Kosovo Police, CLARD, shelter, State Prosecutor and representatives from Health Institutions. The Council can be contacted 24 hours a day in emergency cases when emergency services are in need. CLARD has its schedule to give a contribution on emergency phone line which is every second Friday.

The Council has good results so far and can be used as a good model by other Municipalities, which are to be involved by CLARD in working groups. At the moment CLARD is working in order to establish councils in Lipjan and Drenas municipalities.



References

- (2004). The Provisional Code of the Criminal Procedure of Kosovo Prishtina, Kosovo.
- (2013). The Code of the Criminal Procedure of the Republic of Kosovo Prishtina, Kosovo.
- (2004). The Provisional Criminal Code of Kosovo Prishtina, Kosovo.
- (2013). The Criminal Code of the Republic of Kosovo Prishtina, Kosovo.
- (2010). The Law on Protection against domestic violence Prishtina, Kosovo.
- (2014). Kosovo State Police Statistical data on domestic violence cases from 2004 to 2014), Prishtina, Kosovo.
- *** The Universal Declaration on Human Rights approved in the United Nations General Assembly on 10 December, 1948. OSBE-UNMIK *Report on Domestic Violence in Kosovo*, Prishtina, Kosovo.
- OSCE Report on domestic violence cases in Kosovo, Prishtina, Kosovo.
- OSCE *Adjudication of petitions for protection orders in domestic violence cases in Kosovo*, Prishtina, Kosovo.. Parliamentary Assembly of the Council of Europe, Recommendation No. 1582.
- Interview with Naime Sherifi, Director of Social Welfare Centre of Women and Children in Prishtina, November

Iris Network in Kosovo

1. Health for all;
2. SOS Children's Village;
3. Shelter for victims of family violence (Woman and Children);
4. Down Syndrome Kosova;
5. MUSE Kosova;
6. Beyond the Rainbow;
7. QESH (LGBT Community CSO);
8. Woman for Woman International;
9. Forca;
10. RAE Community;
11. Justice and the people campaign;
12. Hendikos
13. Klubi Deshira;
14. Office of the Good Governance – PM Office;
15. Municipality of Prishtina;
16. Kosovo Police;
17. Centre for Social Services;
18. Prosecutors' Office/ Office for Protection of Victims of Violence, Woman and Children,
19. Office for Gender Equality of Municipality of Prishtina,
20. European Centre for Minority Issues;
21. Civil Rights Programme;
22. One to One Kosovo;
23. Arta;
24. ATO;
25. People with Disabilities;
26. Pema;
27. Gezimi jone;
28. OPDMK;
29. Kosovar Association for Human and Children's Right;
30. KMDLNJ.



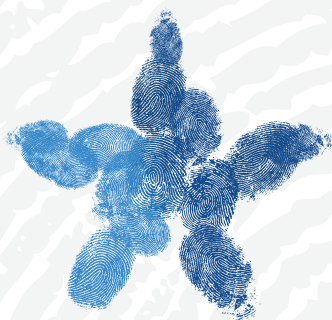
This project is funded by
European Union

IRIS NETWORK IS A UNIQUE REGIONAL NETWORK THAT BRINGS TOGETHER MORE THAN 160 CSOS, SOCIAL SERVICE PROVIDERS IN SOUTH EAST EUROPE. BASED ON VISION OF EQUAL RIGHTS AND OPPORTUNITIES FOR DECENT LIFE FOR ALL, THE NETWORK HAS BEEN CREATED TO ENSURE SOCIAL INCLUSION AND STRENGTHEN THE ROLE AND CAPACITIES OF NON-PROFIT SOCIAL SERVICE PROVIDERS THROUGHOUT SEE. MEMBERS OF THE IRIS NETWORK PROVIDE NECESSARY SOCIAL SERVICES TO OVER 10000 BENEFICIARIES DAILY.



Authors:

Edona Lekaj and Arbane Shala Rama LL. M



Contact us and keep in touch with our activities!

✉ iris@iris-see.eu

🐦 [/IRISsNetwork](https://twitter.com/IRISsNetwork)

📘 [/irissnetwork](https://www.facebook.com/irissnetwork)

www.iris-see.eu



The publication has been produced with the assistance of the EU. The contents of this publication are the sole responsibility of CLARD and can in no way be taken to reflect the views of the European Union.