



GENDER BASED VIOLENCE IN KOSOVO

A critical Review of Police Response



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Researcher: Donjeta Morina

Editor: Luljeta Demolli

Lead NGO for publishing the report

Kosovar Gender Studies Center (KGSC) (www.kgscenter.net)

KGSC has been contributing to gender mainstreaming since 2002 and continuously makes efforts to achieve gender equality in Kosovo. It has been pioneering changes to the discriminatory system, social norms, and double standards within Kosovar society, and is very active in monitoring public institutions. KGSC's mission is to integrate gender-sensitive analysis, programs, and policies in all sectors of Kosovar society by increasing gender awareness and focus on gender issues, developing gender studies and ensuring the inclusion of gender-sensitive policies through research, policy development, advocacy, and lobbying.

Address:

Str. Nëna Terezë No. 18/1,
10000 Prishtina – Kosovo,
Tel. +383 (0) 38 735 991

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TABLE OF CONTENTS

Acknowledgments.....	6
Note on Terminology.....	6
Executive Summary.....	7
Introduction.....	9
Methodology.....	11
Legal and Institutional Framework.....	12
Domestic Violence.....	12
Sexual Violence.....	14
Institutional Response.....	16
Domestic Violence.....	16
Sexual Violence.....	20
Conclusions and Recommendations.....	24
Bibliography.....	26

TABLE OF GRAPHS

Graph 1. Domestic Violence Cases Reported to the Kosovo Police 2009 – 2018....	17
Graph 2. Gender of Domestic Violence Victims in Kosovo 2011-2018.....	17
Graph 3. Gender of Domestic Violence Victims in Kosovo 2011-2018.....	18
Graph 4. Sexual Assault and Attempted Sexual Assault Reported to the Kosovo Police 2015-2018.....	21
Graph 4. Rape and Attempted Rape Reported to the Kosovo Police.....	18

ACRONYMS

AGE	Agency for Gender Equality
DVIU	Domestic Violence Investigation Units
EPO	Emergency Protection Order
GBV	Gender Based Violence
KWN	Kosovo Women’s Network
LPDV	Law on Protection from Domestic Violence
PO	Protection Order
SOP	Standard Operating Procedures
TEPO	Temporary Emergency Order

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NOTE ON TERMINOLOGY

This Policy Brief refers to women and men who have experienced domestic or sexual violence as “victims”, based on the legal terminology in Kosovo stemming from the Criminal Code of Kosovo. It should be noted that many people who have experienced such forms of violence may consider themselves as “survivors”, “victims”, or another term. Since this Policy Brief only assesses the response by the Kosovo Police, it is making use of the legal term, with no prejudice to how women and men who have experienced these form of violence may wish to refer to themselves.

EXECUTIVE SUMMARY

Gender-Based Violence (GBV) remains one of the most common human-rights violations worldwide as well as in Kosovo. Proper response by all responsible institutions is of utmost importance to combat this phenomenon. The Kosovo Police is frequently the first institution to come into contact with victims of GBV, including victims of Domestic and Sexual Violence. Police Response (i.e the first contact of the victim with public institutions), can either encourage the victim towards continuing legal action against the perpetrator, or it could discourage the victim and force them into giving up, or even re-traumatizing them. Acknowledging the importance of police response, this policy brief sets out to critically review the police response towards Domestic Violence and Sexual Violence cases. This brief implements several methodological approaches, including desk research, legal and policy analysis, and key informant interviews. The brief analyses key primary and secondary policies, institutional frameworks as well as guidelines pertaining to the Police on combating Domestic and Sexual Violence. The brief concludes that while the response of the Kosovo Police towards Domestic Violence continues to face many challenges, it has gradually but confidently improved during the last decade. Persisting challenges highlighted in this brief include widespread reconciliation attempts by the Kosovo Police, a lack of safe interview spaces for Domestic Violence victims, low issuance of TEPO's outside of regular court working hours, and several problems faced by Domestic Violence Investigation Units.

Nevertheless, several factors have contributed to an improvement in the response towards Domestic Violence. Pressure from women's rights activists, a clear set of coordination procedures and mechanisms, and increased trust in the Kosovo Police has contributed to an increase in reporting during the past two years. The rate of reporting Domestic Violence has drastically increased for the first time since 2009. In 2018, a total of 1533 cases were reported, which marks a 20.8% increase compared to the previous year, and a 25.1% increase compared to two years prior. This increase does not seem to be a one time high for 2018, as data for the first six months of 2019 indicates an increase as well. As of June 2019, 785 cases were reported to the Kosovo Police, continuing the trend of more frequent reporting. On the other hand, response to Sexual Violence has seen little to no improvement in the last decade. The Brief established that Sexual Violence remains underreported, but actual reporting rates continue to be low, and even decreasing. Between 2015 and 2018, between 55 and 43 cases of sexual assault have been reported. The number of reported cases has been continuously dropping through the past 5 years. Attempted sexual assault cases are reported with even less frequency, with a maximum of 3 cases of attempted sexual violence having been reported in 2016, 1 in 2017, and 0 in 2018. Data indicates that cases of Rape and Attempted Rape

are also not reported very frequently. A total of 31 cases of Rape were reported in 2015, 28 cases in 2016, 29 cases in 2017 as well as 2018. This data indicates a very similar number of rape cases reported throughout 2015-2018. Similarly, 6 cases of Attempted Rape were reported in 2015 and 2016, 9 cases in 2017, and 7 cases in 2018.

Persisting problems regarding the investigation of such crimes include widespread stigmatization and victim-blaming by the Kosovo Police, lack of confidentiality on the identity of victims, lack of specialized services leading to overreliance on DNA samples and tests, and a lack of guidelines and coordination mechanisms similar to those for Domestic Violence. The brief concludes with several specific and targeted recommendations aimed at the Kosovo Police towards improving their response towards both Domestic and Sexual Violence in Kosovo.

INTRODUCTION

Gender-Based Violence (GBV) remains one of the most common human-rights violations worldwide.¹ GBV can take many forms, including Domestic Violence, Sexual Violence, Sexual Harassment, Forced marriage, female genital mutilation etc.²

Recent data confirms the pandemic nature of GBV in Kosovo as well. Survey data shows that 68% of women and 56% of men in Kosovo have experienced some form of domestic violence during their lifetime.³ Only during the year 2014, 41% of women (and 20% of men) reported to having suffered some form of domestic violence.⁴ However, reporting rates of Domestic Violence differ quite substantially from the actual incidence rate. In 2017, for instance, only 1,269 cases of domestic violence were reported to the Police⁵, highlighting how underreported domestic violence remains. Other forms of GBV remain also widespread in Kosovo, particularly Sexual Violence. More than 64% of women have stated that they have experienced sexual harassment in their lifetimes.⁶ Sexual assault and rape also remain widespread, yet underreported.⁷

As a widespread human-rights violation, GBV merits comprehensive institutional prioritization. Proper response by all institutions involved, including judicial, non-judicial, and human rights institutions is of utmost importance to combat this pandemic phenomenon. However, public institutions in Kosovo have repeatedly failed to protect victims of GBV. This includes several domestic violence deaths, serious bodily injuries, rape, sexual assault that occurred as a direct result of institutional failure to protect victims or potential victims. The Kosovo Police, is frequently the first institution to come into contact with victims of GBV, including victims of Domestic and Sexual Violence. The response of the police (i.e the first

¹ According to the Istanbul Convention, GBV is defined as either: 1) Violence that is directed against a woman only because of the fact that she is a woman, and, 2) violence that affects women disproportionately.

² Council of Europe, Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence, 2011, at: <https://rm.coe.int/168046031c>

³ Kosovo Women's Network, No more Excuses: An Analysis of Attitudes, Incidence, and Institutional Responses to Domestic Violence in Kosovo, 2015, at: <https://womensnetwork.org/wp-content/uploads/2018/10/20151124105025622.pdf>

⁴ Ibid

⁵ Qosaj-Mustafa and Morina, Accessing Justice for Victims of Gender Based Violence in Kosovo: Ending Impunity for Perpetrators, 2018, at: http://www.kipred.org/repository/docs/Accessing_Justice_for_Victims_of_Gender_Based_Violence_in_Kosovo_Ending_Impunity_for_Perpetrators_820425.pdf

⁶ Kosovo Women's Network, Sexual Harassment in Kosovo, 2016, at: <https://womensnetwork.org/wp-content/uploads/2018/10/20160223185243349.pdf>

⁷ Qosaj-Mustafa and Morina, Accessing Justice for Victims of Gender Based Violence in Kosovo: Ending Impunity for Perpetrators, 2018, page 36, at: http://www.kipred.org/repository/docs/Accessing_Justice_for_Victims_of_Gender_Based_Violence_in_Kosovo_Ending_Impunity_for_Perpetrators_820425.pdf

contact of the victim with public institutions), can either encourage the victim towards continuing legal action against the perpetrator, or it could discourage the victim and force them into giving up, or even re-traumatizing them. Acknowledging the importance of police response, this policy brief sets out to critically review the police response towards Domestic Violence and Sexual Violence cases. Previous research has analyzed institutional response to GBV (especially domestic violence), but no such research has focused explicitly on police response.

Specific questions that will be tackled throughout the policy brief include: 1) How does the Kosovo Police respond to Domestic Violence and Sexual Violence cases? 2) Is there any difference in police capacities in responding towards different forms of GBV? 3) What are the main problems and drawbacks of the police response? 4) What policy and/or practical changes need to be made in order for the police response to improve?

METHODOLOGY

This policy brief implements several methodological approaches, including desk research, legal and policy analysis, and key informant interviews. Concretely, the brief first analyzes applicable primary and secondary legislation to scrutinize legal requirements for the police regarding cases of domestic and sexual violence. Second, a total of 4 key-informant interviews were conducted. The interviews were then used to supplement the findings of the policy and legal analysis. Interviewees were selected as “Key-Informants” focusing on those officials and individuals who, based on experience, are able to provide the most concrete and significant information. The interviews were semi-structured in nature, having some concrete questions but leaving ample space for the respondents to provide additional information.

This policy brief acknowledges the importance of prompt and adequate police response towards cases of Domestic and Sexual Violence. It sets out towards critically reviewing police response towards these two phenomena. No previous research has focused explicitly on police response, making this policy brief an added value within the literature on GBV in Kosovo. Specific research questions that will be tackled throughout the policy brief include: 1) how does the Kosovo Police respond to Domestic Violence and Sexual Violence cases? 2) Is there any difference in police capacities in responding towards different forms of GBV? 3) What are the main problems and drawbacks of the police response? 4) What policy and/or practical changes need to be made in order for the police response to improve? Response by other institutions, including judicial and non-judicial ones remains outside the scope of this study.

This research will target several institutions and organizations. The specific target of the research will be the Kosovo Police. The policy brief will critically assess the response of the Kosovo Police towards GBV cases, concretely cases related to Domestic and Sexual Violence. However, the brief will expectantly provide concrete recommendations on how to improve police response towards cases of Domestic and Sexual Violence. Hence, its indirect targets also include the Ministry of Internal Affairs, the Agency for Gender Equality, and the Police Academy.

LEGAL AND INSTITUTIONAL FRAMEWORK

Domestic Violence

This section reviews the legal and institutional responsibilities of the Kosovo Police in terms of investigating and combating Domestic Violence.

The Kosovo Police is responsible for investigating all crimes of domestic violence as per the new Kosovo Criminal Code.⁸ According to the criminal Code, a perpetrator commits Domestic Violence whenever they commit physical, economic, or psychological mistreatment or violence within a domestic relationship or against any other member of their family, with the intention of violating the dignity of the other person.⁹ The Code further specifies that perpetrators will be punished by fine as well as imprisonment to up to three years if the above occurs.¹⁰ The responsibilities of the Police are further specified in the Law on Protection from Domestic Violence (LPDV).¹¹ According to the LPDV, the Kosovo Police is responsible for responding to any report of domestic violence, threat thereof, or any violation of a protection order or emergency protection order.¹² There are three types of Protection Orders, Protection Orders (PO's), Emergency Protection Orders (EPO's), and Temporary Emergency Orders (TEPO's). The Police is the competent authority for executing all of these protection measures.¹³ PO's and EPO's are issued by Courts, whereas TEPO's may be issued by the Kosovo Police outside of regular Court Working hours. When the Police has grounds to believe that a domestic violence crime was committed, or a protection order was violated, they shall arrest the perpetrator.¹⁴ The LPDV further stipulates that the Kosovo Police is responsible for the protection of the victim and the prevention of further violence, including by: offering a special telephone line available publically for reporting cases of domestic violence; informing the victim of his/her rights including detailed information on protection orders; informing the victim on all psychological, social, and legal assistance services available for them; informing other service providers on the victim's situation and the incident overall; ensuring transportation for the victim or their dependents to medical facilities or examinations; providing transport for the victim to shelters; removing the perpetrator from the residence, etc.¹⁵

⁸ Assembly of Kosovo, Code No.06/L-074, Criminal Code of Kosovo, 2019, at: <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=18413>

⁹ Ibid. Article 248

¹⁰ Ibid.

¹¹ Assembly of Kosovo, Law No.03/L-182 on Protection Against Domestic Violence, 2010 www.assembly-kosova.org/common/docs/liget/2010-182-eng.pdf

¹² Ibid. Article. 24

¹³ Ibid. Article 3. Paragraph 6

¹⁴ Ibid. Article 24.

¹⁵ Ibid. Article 23.3.1-3.9

The responsibilities of the Kosovo Police are even further specified within the Standard Operation Procedures for Protection from Domestic Violence (SOP's).¹⁶ The SOP's were drafted in 2013 under the authority of the National Coordinator against Domestic Violence and by the leadership of the Agency for Gender Equality (AGE). The SOP's aim to institute a well-coordinated system for combating domestic violence that spreads across all institutions that come into contact with the victim- and perpetrator of domestic violence.¹⁷ Since their implementation, the SOP's have led to an increased and enhanced cooperation between institutions, and are considered a best-practice towards creating policies for combating Gender-Based Violence.¹⁸

As all other institutions, the Kosovo Police has also been vested with some specific responsibilities. The Police is frequently the first official institution that comes into contact with victims of domestic violence, so its role is crucial in the entire process of investigating the case, protecting the victim, and sentencing the perpetrator. Usually, institutions that make the first contact with the victim are responsible for conducting the identification interview.¹⁹ The aim of this interview is to confirm the victim's condition and testimony. It is of utmost importance that this interview is held in a room that is safe and comforting for the victim.²⁰ Some of the other key responsibilities of the Police, as per the SOP's, include: intervening in the scene of domestic violence; conducting the initial risk assessment of the situation and providing emergency protection for the victim(s), issuing TEPO's outside of regular court working hours, arresting the perpetrator; providing detailed advice on assistance services such as legal, psychological, and social; providing transport for the victim, as needed; protecting witnesses and preparing the report; initiating criminal procedures for the criminal offence, providing security for the victim; inform the victim on the status of the investigation etc.

As of 2016, Kosovo has the new National Strategy and Action Plan of Kosovo on Protection from Domestic Vi (2016-2020).²¹ Several Objectives and foreseen results of the strategy deal with the responsibilities of the Police, including Increased professional capacities of the Kosovo Police (among other institutions) towards

¹⁶ Agency for Gender Equality, Standard Operation Procedures for Protection from Domestic Violence in Kosovo, 2013. (The author used a hard copy of the SOP's for the purposes of this report, as an electronic copy could not be found at the time of writing)

¹⁷ This includes specific responsibilities for the Kosovo Police, Victim's Advocates, Centers for Social Welfare, The Prosecution, Courts, Shelters for Domestic Violence, Education Institutions and Medical Institutions.

¹⁸ Interview with Ariana Qosaj-Mustafa, Women's Rights Activist and Chair of Board of Kosovo Women's Network, August 2019

¹⁹ Standard Operation Procedures, Page 28

²⁰ Ibid.

²¹ Ministry of Justice, National Strategy and Action Plan for Protection from Domestic Violence, 2016-2020, Prishtina, 2016

the prevention of Domestic Violence²², the specialization of police investigators (among other institutions), towards processing domestic violence cases with heightened urgency and care²³, ensuring that the Kosovo Police (again, among other institutions) is able to identify and treat cases of domestic violence professionally and without judgment.²⁴

As for mechanisms concerning Domestic Violence, the Kosovo Police have already established some. For one, the Police have established Domestic Violence Investigation Units which consist of a man and a woman in each municipality. Furthermore, the Police have established a specific phone number where cases of domestic violence can be reported. This phone line is open each day from 8:00 to 22:00.²⁵

This section illustrated all existing legal and institutional mechanisms available to the Kosovo Police towards identifying, investigating, and processing cases of Domestic Violence. In sum, it can be seen that there are several different laws and policies that govern the institutional police response towards cases of Domestic Violence, and that can serve as guidelines for the Kosovo Police.

Sexual Violence

This section reviews the legal and institutional responsibilities of the Kosovo Police in terms of investigating and combating Sexual Violence.

The Kosovo Police is responsible for investigating all criminal offenses against sexual integrity, as per Chapter XX of the new Kosovo Criminal Code.²⁶ The Criminal Code defines offenses against sexual integrity as Rape; Sexual services of a victim of trafficking; Sexual assault; Degradation of sexual integrity; offering pornographic material to persons under the age of sixteen; Abuse of children in pornography; inducing sexual acts by false promise of marriage; Facilitating or compelling prostitution, Providing premises for prostitution, sexual relations within the family²⁷. Due to their widespread yet understudied nature, this only analyses Police Response towards Rape and Crimes of Sexual Assault.

²² Ibid. Objective 1.1

²³ Ibid. Objective 3.2

²⁴ Ibid. Result 1.1.a

²⁵ Kosovo Women's Network, From Words to Action: Monitoring the Institutional Response to Gender-Based Violence in Kosovo, 2017, page 11, at: <https://womensnetwork.org/wp-content/uploads/2018/10/20180312142859762.pdf>

²⁶ Assembly of Kosovo, Code No.06/L-074, Criminal Code of Kosovo, Chapter XX, 2019, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413>

²⁷ Ibid. Chapter XX, Articles 227- 236,

Code No. 03/L-193 on Juvenile Justice also tackles several crimes against sexual integrity. The purpose of the code is to regulate procedures and measures by and against minors.²⁸ Through Article 145, the code foresees that adults shall be tried for criminal offences committed against a child, as provided in the Criminal Code of Kosovo, for several crimes regarding sexual integrity. This includes Rape²⁹ as well as Sexual Assault.³⁰

A specialized unit for investigating cases of crimes against sexual integrity also exists within the Kosovo Police. This specialized unit covers all cases against sexual integrity, including rape and sexual assault. The unit does, however, not investigate cases related to the sexual abuse of minors, who are covered by the unit for juveniles.³¹

²⁸ Assembly of Kosovo, Code No. 03/L-193 on Juvenile Justice, 2010 at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18019>

²⁹ Article 145.1.1

³⁰ Ibid. 3.1

³¹ Interview with Police Investigator working with crimes against sexual integrity, Pristina, July 2019.

INSTITUTIONAL RESPONSE

Domestic Violence

This section reviews Police response towards cases of Domestic Violence in Kosovo. As was noted in the introduction, Domestic Violence remains worryingly underreported in Kosovo. Police data shows that between the years 2009 and 2017 the number of reported cases of Domestic Violence in Kosovo was between 944 and 1269. There were no big fluctuations and changes throughout this period.³² This data shows that Domestic Violence in Kosovo remains underreported. Actual incidence rates of Domestic Violence go up to 68% for women and 56% for men, showing that Domestic Violence cases are rarely reported to the Kosovo Police.³³ Data obtained by the Kosovo Police shows something interesting for the years 2018 and 2019 however. The rate of reporting Domestic Violence has drastically increased for the first time since 2009. In 2018, a total of 1533 cases were reported, which marks a 20.8% increase compared to the previous year, and a 25.1% increase compared to two years prior.³⁴ This increase does not seem to be a one time high for 2018, as data for the first six months of 2019 indicates an increase as well. As of June 2019, 785 cases were reported to the Kosovo Police, continuing the trend of more frequent reporting. We should bear in mind that an increase in reporting does not indicate an increase in incidence. On the contrary, this should be seen as a positive sign indicating that an increased number of victims are reporting crimes of Domestic Violence. This increase in reporting is a result of many interrelated factors. Better, enhanced, and clarified Police procedures have certainly contributed to this. Better procedures and actions by the police have led to enhanced trust in the Kosovo Police, ultimately contributing to higher reporting rates.³⁵ Better procedures, and better trained police officers have also contributed to this. Nevertheless, advocacy initiatives by several women's rights organizations and activists have had an undeniable, direct impact on this. Numerous and continuous protests, street marches, and different public actions have contributed to an overall increase of awareness of domestic violence victims towards reporting cases.³⁶ This pressure through public protests, combined with pressure through evidence based advocacy, has led to several legal changes as well, including the criminalization of Domestic Violence through the new Criminal Code of Kosovo.³⁷ These factors combined have led to an increase in domestic violence reporting's.

³² Data obtained by the Kosovo Police, July 2019

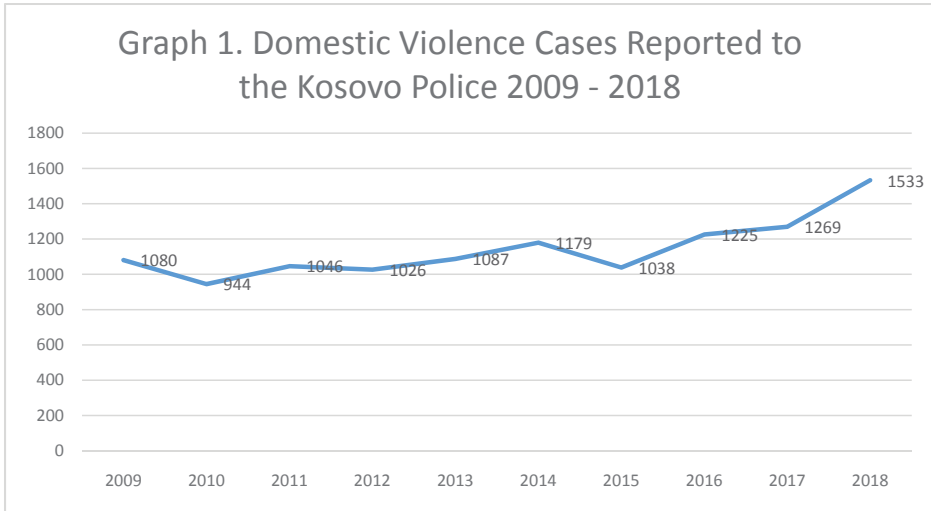
³³ Kosovo Women's Network, No More Excuses

³⁴ Data obtained by the Kosovo Police, July 2019

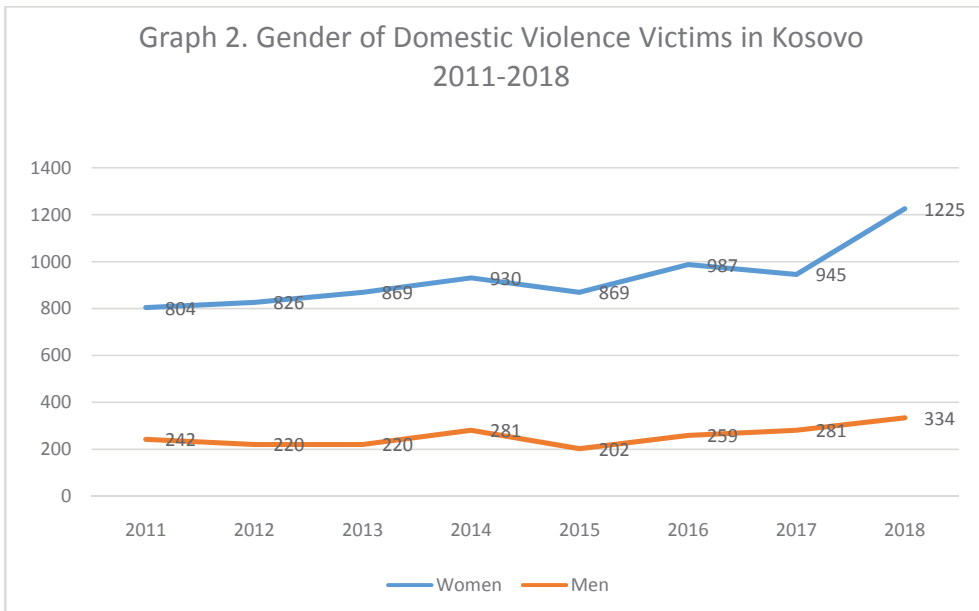
³⁵ Interview with Arsim Shala, Chief of Unit for Domestic Violence in Kosovo, July 2019.

³⁶ Interview with Adelina Berisha, Advocacy and Research Coordinator on Gender Based Violence at the Kosovo Women's Network, July 2019.

³⁷ Ibid.

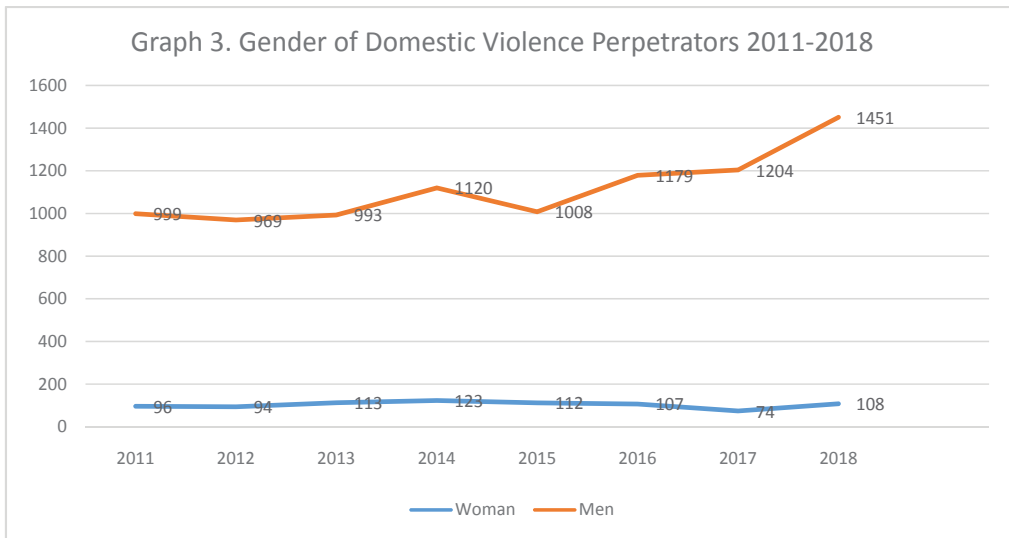


Data obtained by the Kosovo Police furthermore confirm the gendered nature of Domestic Violence crimes. Women continue to represent the vast majority of domestic violence victims in Kosovo, as well as the majority of those victims who report the crime. As illustrated in Graph 2, Police Data shows that from 2011 to 2018, 79% of all reported cases of Domestic Violence were reported by women and girls.³⁸ For instance, women have been the victims in 78.5% of all cases of Domestic Violence reported to the Police in 2018, and 77% of those reported in 2017.



³⁸ Data obtained by the Kosovo Police, July 2019

Similarly, Graph 3 indicates the gender of Domestic Violence Perpetrators. Throughout the period 2011-2018, the vast majority of domestic violence perpetrators have been men.³⁹ For instance, men have been the perpetrators in 93.4% of all Domestic Violence cases reported to the Police in 2018, and 94.2% of those reported in 2017. The percentages in the last two tables indicate that there is a large amount of cases where men are both the perpetrator and the abuser in Domestic Violence cases. Hence, Domestic Violence is not only to be understood as intimate-partner violence, but can also take the form of violence against ones son, brother, father etc.



As was further noted in the legal framework section, the legal framework related to DV is quite encompassing, including several primary and secondary policies. Additionally, police undergo several trainings related to Domestic Violence. Moreover, DVIU's have additional trainings, beyond the basic ones provided for all Police Officers.⁴⁰

These trainings combined with the clear legal framework have led to several improvements of police response regarding domestic violence. A clarity in procedures and actions regarding domestic violence by the police has been noted in recent years.⁴¹ For instance, the Kosovo Police exhibit better understanding of their duties and responsibilities particularly compared to other actors.⁴² The establishment, training, and well-functioning of DVIU's is also considered a very positive step that

³⁹ Data obtained by the Kosovo Police, July 2019

⁴⁰ Interview with several institutional and organizational representatives.

⁴¹ Kosovo Women's Network, No More Excuses, Page 63

⁴² Ibid.

has improved Police Response towards cases of Domestic Violence.⁴³ Previously, the Kosovo Police had discrepancies in legislation, a lack of written guidelines and properly trained Police, and a lack of coordination both within the Kosovo Police as well as with other Institutions. These shortcomings have been improved upon leading to a continuous enhancement of Police response.⁴⁴

Nevertheless, while the police response to domestic violence is gradually improving, several shortcomings remain. Previous research indicates that several police officers, including those part of DVIU consider that domestic violence may be “okay” in certain situations.⁴⁵ Data also shows that police may be considering that violence should only be reported when it is “serious”.⁴⁶ This leads to police officers not taking seriously reports of violence that do not end in serious injuries, let alone reports of non-physical violence. Information indicates that some police still attempt to reconcile the victim with the perpetrator, which is an action strictly prohibited by the Istanbul Convention. A Police Officer interviewed for the purpose of this research proudly told the story of him successfully reconciling several couples during his career, albeit mentioning that it was illegal and dangerous to do so.⁴⁷

DVIU’s are thoroughly trained on evidence collection and should theoretically be able to collect necessary data on Domestic Violence cases. Nevertheless, evidence shows that there are several practical problems. For instance, there are several cases when police assigned in DVIU’s are on holidays or are absent for other reasons. This leads to the initial interview being conducted by officers who lack the necessary training and qualifications.⁴⁸ Frequently these untrained officers focus too much on the initial victim statement, and may overlook other important circumstantial evidence. Another problem is that DVIU do not exclusively work on Domestic Violence cases, and are frequently overwhelmed.⁴⁹ This leads to many DVIU’s prioritizing burglaries and murders and delaying the process of investigating Domestic Violence cases. Moreover, in most cases DVIU’s lack automobiles which does not enable them to act sufficiently quickly, as well as lack basic necessities such as laptops, and a specific fund to cover basic expenses for victims such as water and food.⁵⁰

⁴³ Interview with Adelina Berisha, Advocacy and Research Coordinator on Gender Based Violence at the Kosovo Women’s Network

⁴⁴ Interview with Arsim Shala, Chief of Unit for Domestic Violence in Kosovo, July 2019.

⁴⁵ Ibid

⁴⁶ Ibid.

⁴⁷ Interview with Police Investigator working with crimes against sexual integrity, Pristina, July 2019.

⁴⁸ Interview with Ariana Qosaj-Mustafa, Women’s Rights Activist and Chair of Board of Kosovo Women’s Network, August 2019

⁴⁹ Ibid

⁵⁰ The Kosovo Police is currently in discussions with the Office of the National Coordinator against Domestic Violence to establish such a fund. This fund will be part of Centres for Social Welfare, but will be able to be used by the Kosovo Police as well.

Furthermore, according to the SOP's, the initial interview ought to be conducted in a separate room which provides a feeling of comfort and security for the victim.⁵¹ A lack of this separate room could re-victimize the victim and should be considered a grave violation of human-rights. However, evidence shows that not all Police stations have separate rooms for interviewing victims. In a still unpublished study, data shows that many police stations either lack separate interviewing rooms only for domestic violence victims, or these rooms are insufficient.⁵² A lack of space and sufficient resources has been cited as the main difficulty in obtaining these rooms.⁵³ The Law on Protection against Domestic Violence, foresees the Kosovo Police as the responsible institution for issuing Temporary Emergency Orders outside of regular court working hours. Experience shows that many Police Officers lack the necessary knowledge that they are responsible for issuing TEPO's.⁵⁴ This is confirmed by the very low number of TEPO's issued between the period 2015-2018, which only amounts to 6 TEPO's issued by the Police throughout Kosovo.⁵⁵

In sum, this section shows that Police Response towards cases of Domestic Violence in Kosovo is gradually but surely improving. Public pressure by women's rights activists, continuous police training, and a clear set of procedures on tackling domestic violence is jointly contributing to this improvement. This improvement is illustrated by increased sensitivity and coordination between the Kosovo Police and other institutions. Higher rates of reporting domestic violence cases is a direct result of these improvements. That said, this section also highlighted several problems and shortcomings of the Kosovo Police, which should be improved to ensure proper protection of domestic violence victims in Kosovo.

Sexual Violence

This section reviews Police response towards cases of Rape and Sexual Assault in Kosovo.

There is currently no reliable incidence data on sexual violence in Kosovo. The only available data is data from the Kosovo Police, indicating the number of people who have reported these acts. As is illustrated in Graph 4, the number of reported cases of Sexual Assault and attempted Sexual Assault in Kosovo is relatively low. Between 2015 and

⁵¹ Agency for Gender Equality, Standard Operation Procedures for Protection from Domestic Violence in Kosovo, page 28, 2013.

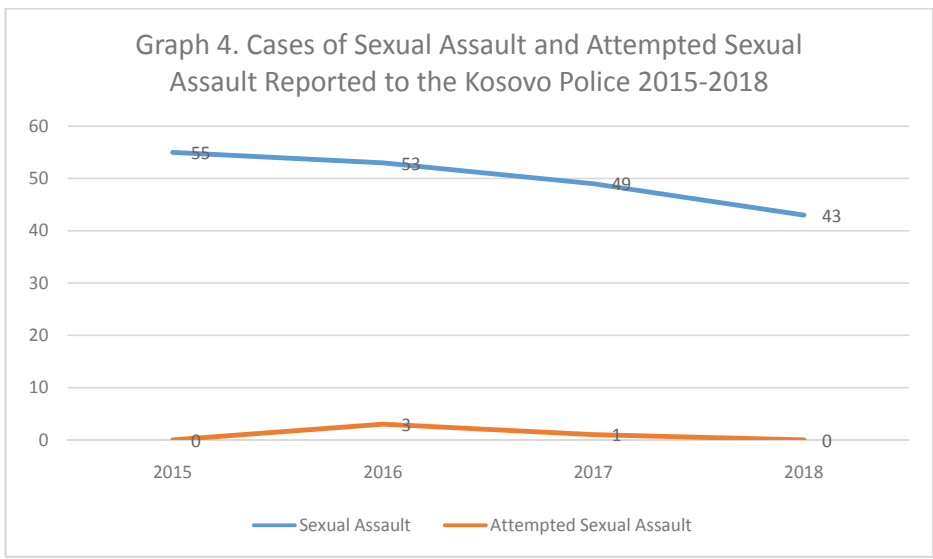
⁵² Qosaj-Mustafa and Morina, Evaluating the Implementation of the Standard Operating Procedures for Protection from Domestic Violence, Forthcoming 2019.

⁵³ Interview with Arsim Shala, Chief of Unit for Domestic Violence in Kosovo, July 2019.

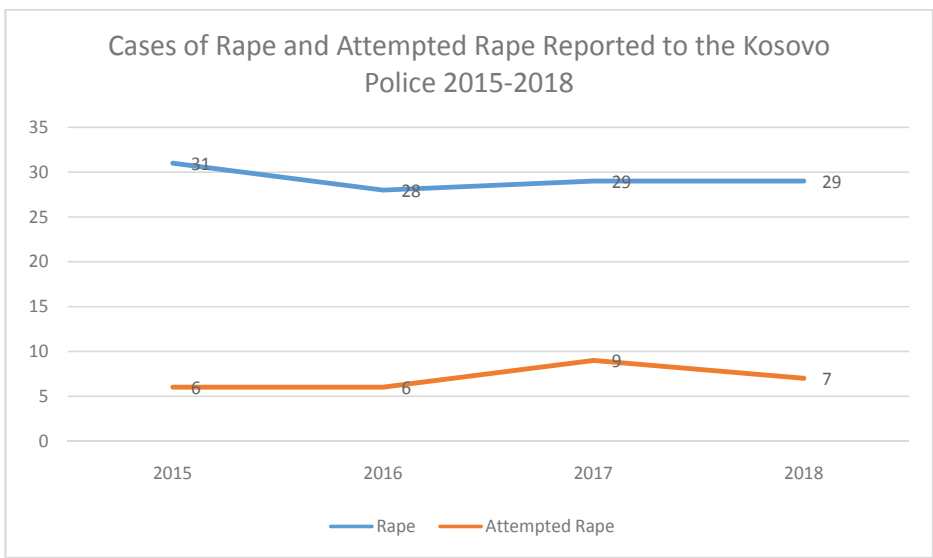
⁵⁴ Interview with Ariana Qosaj-Mustafa, Women's Rights Activist and Chair of Board of Kosovo Women's Network, August 2019

⁵⁵ Qosaj-Mustafa and Morina, Accessing Justice for Victims of Gender Based Violence in Kosovo: Ending Impunity for Perpetrators, 2018, at: https://eeas.europa.eu/sites/eeas/files/accessing_justice_for_victims_of_gender_based_violence_in_kosovo_eng.pdf

2018, between 55 and 43 cases of sexual assault have been reported. The number of reported cases has been continuously dropping through the past 5 years. Attempted sexual assault cases are reported with even less frequency, with a maximum of 3 cases of attempted sexual violence having been reported in 2016, 1 in 2017, and 0 in 2018.



Data indicates that cases of Rape and Attempted Rape are also not reported very frequently. A total of 31 cases of Rape were reported in 2015, 28 cases in 2016, 29 cases in 2017 as well as 2018. This data indicates a very similar number of rape cases reported throughout 2015-2018. Similarly, 6 cases of Attempted Rape were reported in 2015 and 2016, 9 cases in 2017, and 7 cases in 2018.



Focusing on reporting numbers alone, might give us the wrong picture that sexual violence is not as big of a problem as domestic violence. Nevertheless, there is an overall agreement among activists and researchers that sexual violence remains heavily underreported in Kosovo.⁵⁶ Sexual Violence remains under-reported for several reasons, including overall societal victim blaming, fear from stigmatization, and non-institutional financial reconciliation between families.⁵⁷ Very low levels of trust in institutions, particularly the Kosovo Police contribute to these low levels of reporting.⁵⁸

While all institutions involved in investigating and prosecuting sexual violence crimes, the role of the Kosovo Police is very particular. Frequently, the Kosovo Police are the first institution that comes into contact with a rape and sexual abuse victim. An improper, victim-blaming approach can lead to further traumatizing the victim and discouraging them from seeking institutional justice. Evidence shows that the police lack sufficient training to handle cases of sexual violence, particularly in terms of avoiding retraumatization, storing and using forensic evidence, as well as having a victim-centered approach.⁵⁹

Officers within the Kosovo Police have openly highlighted two problems. The first includes a lack of confidentiality, where information on sexual violence victims leaks to the press through the Kosovo Police. The second includes a direct victim-blaming approach, putting the blame for the violence on the victim herself/himself. One Police Officer interviewed, stated that *"We have many promiscuous males and females. If I do not put my character on the table, no one can misuse it. If I do put it on the table, people can misuse it"*.⁶⁰

The existing social stigma to report cases of sexual violence has been highlighted by activists as a crucial reason for this underreporting. A combination between lack of training for institutions, including the Kosovo Police, on having a sensitive approach while working with victims of sexual violence leads to a tendency towards victim-blaming.⁶¹ Moreover, the main evidence in cases of rape and sexual assault continues to remain DNA samples and tests, forcing victims to report the crime

⁵⁶ Interviews with Adelina Berisha and Ariana Qosaj-Mustafa

⁵⁷ Qosaj-Mustafa and Morina, Access to Justice, Page 36.

⁵⁸ This lack of trust in the Kosovo Police was only exacerbated in 2018, when a case of a Police Officer raping a teenage girl became public. The girl who was a minor reported to the Police that she was being sexually abused by her teacher. The responsible Police Officer proceeded to sexually abuse and threaten the young girl for a long period of time. When the case became public, it triggered major public outcry and protests. For more see: Radio Free Europe, Radio Liberty, "Kosovars Call for Justice in Case of Teen Rape, Allegedly by Police Officer, 2018, at: <https://www.rferl.org/a/kosovars-call-for-justice-in-case-of-teen-rape-allegedly-by-police-officer/29757747.html>

⁵⁹ Qosaj-Mustafa and Morina, Access to Justice, page 36

⁶⁰ Interview with Police Investigator working with crimes against sexual integrity, Pristina, July 2019.

⁶¹ Interview with Adelina Berisha, Advocacy and Research Coordinator on Gender Based Violence

within 72 hours of its occurrence, under the precondition that they have not showered.⁶² Many victims of sexual crimes may not feel ready to report the crime right away and may be inclined to shower after the crime has occurred. Kosovo lacks specialized centers such as Rape Crisis Centres, where the evidence can be stored until the victim decides to report the crime.⁶³ Due to the lack of such centers, the entire investigation of sexual crimes by the Kosovo Police is based on the idea that victims should report the crime right away, which rarely happens.

Moreover, many police officers continue to not take sexual violence seriously.⁶⁴ The Kosovo Women's Network has reported on a case where police officers jokingly told a story about a woman reporting the fact that she had been groped on the street, and saying that they find it amusing that such minor cases would be even reported.⁶⁵ KWN also monitored one case where police officers continuously asked the victim whether she was a virgin, whether she had felt any pleasure during the rape, and why she would go to a strangers house.⁶⁶

In sum, this section shows that Police Response towards cases of Sexual Violence is and continues to remain weak. There is a lack of internal and external coordination procedures as well as a lack of sensitivity in dealing with victims of sexual violence. Stigmatization, victim-blaming, as well as a lack of confidentiality continue to be widespread within the Kosovo Police itself, leading to continuously low reporting rates. Due to a lack of specialized services, an overreliance on immediate reporting leads to scarce data for successfully investigating cases of sexual violence.

⁶² Interview with Police Investigator working with crimes against sexual integrity, Pristina, July 2019.

⁶³ Qosaj-Mustafa and Morina, *Access to Justice*, Page 38.

⁶⁴ Kosovo Women's Network, *From Words to Actions*, Page 13

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

CONCLUSIONS AND RECOMMENDATIONS

This Policy Brief has confirmed the pandemic yet underreported nature of domestic and sexual violence in Kosovo. It has further emphasized that the Kosovo Police continues to face widespread problems in investigating gender-based violence crimes in general. The brief concludes that while the response of the Kosovo Police towards Domestic Violence continues to face many challenges, it has gradually but surely improved during the last decades. Persisting challenges highlighted in this brief include widespread reconciliation attempts by the Kosovo Police, a lack of safe interview spaces for Domestic Violence victims, low issuance of TEPO's outside of regular court working hours. Nevertheless, several factors have contributed to an improvement in the response towards Domestic Violence. Pressure from women's rights activists, a clear set of procedures, and increased trust in the Kosovo Police has contributed to an increase in reporting during the past two years. On the other hand, response to Sexual Violence has seen little to no improvement in the last decade. The Brief established that Sexual Violence remains underreported, but actual reporting rates continue to be low, and even decreasing. Persisting problems regarding the investigation of such crimes include widespread stigmatization and victim-blaming by the Kosovo Police, lack of confidentiality on the identity of victims, lack of specialized services leading to overreliance on DNA samples and tests, and a lack of guidelines and coordination mechanisms similar to Domestic Violence.

The findings of this report bring to light several recommendations for the Kosovo Police, in order to improve response to both Domestic and Sexual Violence.

Recommendations on Domestic Violence:

- Ensure that all Police Officers, beyond DVIU's are aware that reconciliation between victim and perpetrator are completely outside the scope of the responsibilities of the Kosovo Police.
- Devise and implement serious disciplinary measures and penalties for Police Officers who do engage in reconciliation measures, including permanent suspension.
- This brief shows that not all Police Stations have separate interviewing rooms for victims of Domestic Violence, even though it is a strict requirement under the SOP's. The Kosovo Police should urgently ensure that every police station has separate interviewing rooms for victims of Domestic Violence.
- A specific budget line should be requested by the Ministry of Internal Affairs and the Ministry of Finance for emergency costs for victims of domestic violence. This budget can be used for emergency necessities including food, drinks, and clothing.

- Police Officers working in DVIU's should be absolved from working on all other crimes, so that they can properly prioritize crimes of Domestic Violence.
- The Ministry of Finance and the Ministry of Internal Affairs should ensure that every DVIU unit possesses their own vehicle, so that they are able to arrive at the scene of crime in a timely manner.
- All Police Officers should be trained on their responsibilities under the LPDV and SOP's, beyond officers within DVIU's. Such trainings should also focus on the issuance of TEPO's outside of regular court working hours.
- International donor organizations should continue to fund regular, large scale research on domestic violence. Such research illustrates the extend of domestic violence incidence beyond police reporting rates, it exposes trends, and problems, challenges, and shortcomings faced by institutions.

Recommendations on Sexual Violence:

- Draft coordination guidelines to increase coordination both within the Kosovo Police as well as with other institutions regarding cases of sexual violence. The existing Domestic Violence SOP's can serve as a very good example on how to research, draft, consult on, and finalize such coordination guidelines.
- Ensure that all police officers are trained to conduct gender-sensitive interviews with victims of sexual assault, in case they come in contact with victims These trainings should cover gender-sensitive interviewing techniques, avoiding re-traumatization, avoiding stigmatization and avoiding victim-blaming.⁶⁷
- Devise and implement serious penalties for those officers who do engage in victim-blaming, including permanent suspension.
- Ensure that all police officers are aware of the importance of keeping the identity of sexual violence victims confidential. Moreover, devise serious penalties for those officers who leak the name/s of sexual violence victims.
- International donor organizations should fund further in-depth research on sexual violence, particularly focusing on actual incidence, and institutional response. This Policy Brief exposed some of the major issues faced by the Kosovo Police, but more in-depth research is needed.

⁶⁷ As was highlighted in the report, only specialized police should interview victims of sexual violence. However, experience in Kosovo shows that frequently the first contact/interview with victims is conducted by unspecialized officers who lacked knowledge on gender-sensitive interviewing techniques, and engaged in stigmatization and victim blaming. Hence, we are recommending that all police officers undergo basic trainings on gender-sensitiveness in order to avoid a traumatizing first contact.

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