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MANUAL FOR EFFECTIVE IMPLEMENTATION AND MONITORING OF THE MAIN STRATEGIES AT NATIONAL LEVEL ON VIOLENCE AGAINST WOMEN

We dedicate this manual to the memory of all Kosovar women who have died as a result of violence
(optional)

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1. INTRODUCTION

In Kosovar society, violence against women is a prevalent and deeply rooted problem, which for a long time has been considered a “private matter” or a personal problem of particular women that should only be solved within the family or relationship. The long-standing failure of state institutions to protect and promote the rights and freedoms in the case of violence against women, has deepened the cultural norms and social stigma that justifies the mentality of women’s subordination and acceptance of violence against women as a ‘normal’ behavior and ‘solution’.

During the last few decades, this mentality has slowly been changing due to the joint efforts of human rights activists and women non-governmental organizations in Kosovo as well as Kosovar institutions that recognized the seriousness and harmful impact on women, girls and the society as a whole on several levels. To address this phenomena, Kosovar institutions adopted comprehensive laws and policies on combating violence against women, which provide a number of legal remedies. The Law on Protection Against Domestic Violence¹ foresees a number of legal measures that aim to protect victims and survivors of domestic violence. Additionally, Kosovo has adopted the National Strategy for Protection Against Domestic Violence (2016-2020) and an Action Plan², including standard operating procedures. The Criminal Code establishes offences for rape, sexual assault, stalking, forced marriage and forced abortion. In addition, the Istanbul Convention is now a part of Kosovo’s Constitution, as per the September 2020 vote of the Assembly of Kosovo that amended the Constitution³.

However, despite the achieved progress, according to many monitoring reports, statistics and data show that many women in Kosovo still suffer in silence from crimes that harm their lives and the lives of their families – crimes which all too often remain hidden and where perpetrators stay unpunished. Among the main factors of this challenge are the socio-cultural norms and stigma that blame the victims instead of the perpetrators, lack of political willingness and dedicated resources for implementation of laws and policies. The recent survey report by OSCE (2019) on the well-being and safety of women in Kosovo, indicates widespread violence against women and a high level of acceptance of violence. The report demonstrates that nearly two-thirds of the women surveyed (64%) think that violence by partners, acquaintances or strangers is very or fairly common, and over a quarter (27%) believe that it is very common. More than half (54%) of all women say they have experienced psychological, physical or sexual violence from an intimate partner since the age of 15, and nearly three in ten (29%) say they have experienced sexual harassment. Data on the extent and forms of sexual harassment in the workplace in Kosovo are missing. However, some research conducted by Kosovar Gender Studies Center (KGSC) and Kosovo Women’s Network (KWN) address this problem. About three out of four

1. Law No.03/L-182 on Protection Against Domestic Violence, Assembly of Kosovo

² <https://abgj.rks-gov.net/en/publikimet/105/publikimet-abgj>

³ Council of Europe Newsroom. 25 September 2020. “The Assembly of Kosovo* decides to apply the Istanbul Convention”

women in senior positions in the workplace have suffered sexual harassment in the workplace, according to a European Commission report⁴. KGSC in its latest report, “Sexual Violence in Public Administration in Kosovo”, presents data from a survey which shows that 35.6% of respondents think that the phenomenon of sexual harassment in public institutions in Kosovo is present, while 41.6% say that it is “somewhat present”. According to 12.9% of the respondents, sexual harassment is “Not present”, and 9.7% of them “have no information” if the phenomenon of harassment is present, while 2% “have no answer”. Regarding the findings on the prevalence of sexual harassment, 9% of respondents said that they have experienced sexual harassment, “more than three times”, 7.6 percent said “once”, and 73% said they had “never” been victims of sexual harassment. 80% of victims of sexual harassment, according to this research, are women, while 70% of perpetrators are men⁵.

According to the latest information, Kosovo experienced a 30 per cent increase in domestic violence during the Covid-19 pandemic, of which women are the prevalent victims, due to the isolation of victims and the newfound opportunities for the abusers⁶. Similar is being reiterated in the UN joint report on the Covid-19 pandemic reporting on the raise of gender-based violence against women and girls, noting that ‘There is increasing evidence around the world that policies of isolation and confinement are leading to increased levels of domestic, sexual and gender-based violence, and along with closures of or restricted access to courts, there is heightened need for protection and justice for women subjected to this violence’⁷.

2. PURPOSE OF THE MANUAL

This manual is developed to present the practices on how to deliver the objectives of the communication pillar that will be included in the Action Plan (2020-2024) and National Strategy for Protection against Domestic Violence (2020-2024). Since the National Strategy and Action Plan Against Violence Against Women (2020-2024) is still in the drafting process, the primary purpose of this manual is to serve as recourse and guide aiming to broaden the capacities and coordination of governmental actors, parliament and particularly of the Office of the National Coordinator that is directly involved in the planning, development, and implementation of the communication policies on eliminating all the existing obstacles for reporting VAW.

The ultimate aim of the development of this manual is to raise the capacities of the governmental and institutional actors for the effective implementation and monitoring of the main strategies at the national level on violence against women. In addition, this manual will

⁴ European Union Agency on Fundamental Human Rights, accessed:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaë-survey-main-results-apr14_en.pdf

⁵ http://kgscenter.net/site/assets/files/1778/sexual_harassement_in_public_administration.pdf

⁶ Vlora Nushi UN Women, https://womenmediators.net/wp-content/uploads/2020/08/mwmn_report_10.pdf

⁷ UN joint report. 2020. “Justice for Women amidst COVID-19” (UN Women, IDLO, UNDP, UNODC, World Bank and the Pathfinders for Justice); UNODC. 2020. “Coronavirus Disease (COVID-19) response – UNODC Thematic Brief on gender-based violence against women and girls”

also serve as source to advance knowledge about the issue of violence against women and domestic violence and to improve their capacity to effectively respond to such violence by encouraging policies through a survivor and victim-centered approach.

The overall objectives of this manual are:

1. To raise awareness and to create an understanding for the institutional and governmental representatives of the extent and nature of violence against women and domestic violence; the dynamics of such violence, its root causes and the concepts of gender equality and how to recognize and avoid common myths and misunderstandings;
2. To familiarize institutional representatives with international standards, mainly the Istanbul Convention, and Kosovar laws relating to key issues for responding to violence against women and domestic violence.
3. To increase the knowledge and skills of institutional representatives at the national level in monitoring the implementation of the strategies for combating violence against women and domestic violence.

Every institutional effort for combating violence against women should be guided by a simple proposition: No woman should live in fear of violence, and every girl should grow up knowing she is safe, so that she can have the best start in life.

3. INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS RESPONDING TO VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Violence against women is now a well-recognized form of discrimination and human rights violation worldwide. Violence against women, and the obligation to enact laws to address violence against women, is now the subject of a comprehensive legal and policy framework at the international and regional levels. Thus, a comprehensive legislation is essential for an effective and coordinated response in regard to violence against women. States have clear obligations under international law to adopt, implement and monitor legislation addressing all forms of violence against women. Over the past decades, many states, including Kosovo, have adopted or reviewed legislations of violence against women. However, the implementation of such laws remains one of the biggest challenges.

This manual intends to provide all stakeholders with key information on international and national legal frameworks, policies and mechanisms with the confidence that it will be of use to governmental officials, parliamentarians, civil society, and other actors in their efforts at ensuring that a solid legal basis is in place for tackling the scourge of violence against women.

3.1 The Kosovar legal framework

Human rights and fundamental freedoms guaranteed by international agreements and instruments are endorsed in the Constitution of Kosovo and they are directly applicable in the Republic of Kosovo⁸. More specifically, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is enshrined in Article 22 of Kosovo's Constitution, and so is the Istanbul Convention since the 25th of September 2020.

The direct and indirect forms of gender discrimination, domestic violence and violence against women are prohibited by numerous laws in Kosovo adopted throughout the years. The Law on Protection from Domestic Violence, the Criminal Code, the Anti-Discrimination Law, and the Law on Gender Equality foresee a number of legal measures that aim to protect victims and survivors of domestic violence. In addition, national policy instruments such as the Kosovo Program for Gender Equality (2020-2024 National Strategy and an Action Plan for Protection Against Domestic Violence 2016-2020), Standard Operating Procedures and integrated database for cases of domestic violence complement the national legal framework which aims to strengthen the national legislation to address all forms of violence against women.

A step forward is the new Criminal Code of Kosovo, adopted in 2019, which provides the definition on domestic violence and penalizes all forms of domestic violence, as defined in the Law on Protection against Domestic Violence.

Kosovo also has national and municipal level mechanisms to address the issue of protection against domestic violence.

3.1.1. Defining Violence Against Women

The Kosovo Law on Protection against Domestic Violence⁹ defines acts of violence under Article 2, paragraph 1.: One or more intentional acts or omissions when committed by a person against another person with whom he or she is or has been in a domestic relationship, but not limited to:

1.2.1. Use of physical force or psychological pressure exercised towards another member of the family;

1.2.2. Any other action of a family member, which may inflict or threaten to inflict physical pain or psychological suffering.

Orders of Protection

Three types of orders of protection are set in accordance with the authority of the body that issues the order of protection, restrain and the procedures that have to be followed. This includes the types of measures that can be issued with orders of protection. The Law defines the Order of Protection, Order of Emergent Protection, and the Order of Temporary Emergent Protection.

⁸ <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

⁹

Standard Action Procedures (SAP), approved by the Kosovo National Coordinator against Domestic Violence in 2013, also provide details on the legal and institutional roles and the responsibilities of the independent institutions, courts, office of the prosecutor, as well as service providing NGOs, ex. shelters.

3.2 The Criminal Code of Kosovo

The new Criminal Code, which entered into force in January 2019, includes the definition of domestic violence and marks it as a separate criminal offence, in accordance with the standards of the Istanbul Convention. Furthermore, the convention has generated much-needed public debates around issues related to sexual violence, in particular rape¹⁰. The recent amendments provide for a specific definition under Article 248 of the Criminal Code of Kosovo as follows:

Physical violence

1) Whoever commits physical, psychological or economic violence or mistreatment with the intent to violate the dignity of another person within a domestic relationship shall be punished by fine and imprisonment of up to three (3) years.

2) In the Criminal Code, when any act is committed within a domestic relationship, it will be considered an aggravating circumstance.

3) Every member of the family who exerts physical, psychological, sexual or economic violence or mistreatment against another member of his/her family, shall be punished by a fine and imprisonment of up to three (3) years.

Every member of the family who exerts physical, psychological, sexual or economic violence or mistreatment against another member of his/her family shall be punished by a fine and imprisonment of up to three (3) years.

Also, under the Criminal Code of Kosovo various punishments apply to crimes of assault, light bodily injury, grievous bodily injury against a vulnerable victim (Articles 184, 185 and 186). The Criminal Code of Kosovo considers the murder of a child, pregnant woman or family a member as an aggravating murder with a punishment of imprisonment of no less than ten (10) years or up to lifelong imprisonment.

Psychological violence

Whoever commits physical, psychological or economic violence or mistreatment with the intent to violate the dignity of another person within a domestic relationship shall be punished by a fine and imprisonment of up to three (3) years (Article 248 (1)).

Stalking

1. Whoever engages in a pattern of repeated and unwanted attention or communication with the intent to harass, intimidate, injure, damage property or kill another person or his or her

¹⁰ <http://www.assembly.coe.int/LifeRay/EGA/WomenFFViolence/2019/2019-HandbookIstanbulConvention-EN.pdf>

children, family, relatives or pets or whoever places another under surveillance with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets; and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress shall be punished by a fine or imprisonment of up to three (3) years (Article 182(1)).

2. When the offense provided for in paragraph 1 of this Article is committed against a former or current domestic partner or a former or current family member, the perpetrator shall be punished by imprisonment of six (6) months to five (5) years (Article 182 (2))

Sexual violence, including rape: Whoever subjects another person to a sexual act without such person's consent shall be punished by imprisonment of two (2) to ten (10) years. If the offense provided for in paragraph 1 or 2 of this Article is committed against a person under the age of sixteen (16) years, the perpetrator shall be punished by imprisonment of five (5) to twenty (20) years. Furthermore, if the offense provided for in paragraph 1 or 2 of this Article is committed against a person under the age of fourteen (14) years, the perpetrator shall be punished by imprisonment of at least ten (10) years (Article 227).

Sexual assault

Whoever touches a person for a sexual purpose or induces such person to touch the perpetrator or another person for a sexual purpose, without the consent of such person, shall be punished by a fine or by imprisonment of up to one (1) year (Article 229).

Degradation of sexual integrity

Whoever induces another person to expose the private parts of such person's body, to masturbate or to commit another act that degrades such person's sexual integrity, without the consent of such person, shall be punished by a fine or by imprisonment of three (3) months to one (1) year (Article 230).

Forced marriage

Whoever compels another person to enter into a marriage or enters into a marriage with a person whom he or she knows to be compelled into the marriage shall be punished by imprisonment of one (1) to eight (8) years. There are additional aggravating circumstances such as marriage of a child, or child beneath 14 years of age, etc. by a parent, guardian or another person exercising parental authority. In such cases the punishment can go up to a minimum of 15 years' imprisonment (Article 239)

Sexual harassment

Article 183 of the Criminal Code of the Republic of Kosovo defines sexual harassment as "Anyone who sexually harasses another person, in particular a person who is more vulnerable due to age, illness, disability, addiction, pregnancy, or severe physical or mental disability." The

prescribed punishment for this criminal offense is a fine or imprisonment of up to three (3) years.

Whereas if the perpetrator of this criminal offense has a position of authority over the victim, the punishment provided is imprisonment of six (6) months to three (3) years. Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment (Article 183(2)).

Forced abortion and forced sterilization

1. Whoever, for non-medical reasons, removes or disables in any manner a person's reproductive organs without that person's consent, with the effect of leading to sterilisation, shall be punished by imprisonment of one (1) to eight (8) years (Article 179(1)).

When the offense provided for in paragraph 1 of this Article results in grievous bodily injury, serious impairment to health or the death of the person, the perpetrator shall be punished by imprisonment of five (5) to fifteen (15) years (Article 179(2)).

Female genital mutilation

1. Whoever, for non-medical reasons, partially or totally removes or permanently alters the external female genitalia, shall be punished by imprisonment from six (6) months to five (5) years (Article 180(1)).

2. Whoever incites or assists a female to subject herself to procedures referred to in paragraph 1 of this Article, shall be punished by imprisonment of up to three (3) years (Article 180(2)).

3. Whoever commits the offence referred to in paragraphs 1 or 2 of this Article against a vulnerable victim, shall be punished by imprisonment from one (1) to eight (8) years (Article 180(3)).

4. When the offence provided for in paragraphs 1 or 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment of five (5) to fifteen (15) years (Article 180(4)).

The Supreme Court of Kosovo Guidance, adopted the **Legal Qualifications of the Domestic Violence** acts foreseen under the Criminal Code of Kosovo in 2019, and the following interpretations provide the definitions of **psychological** and **economic violence** in the Criminal Code¹¹:

Psychological violence can include constant control, verbal abuse, isolation, humiliation or emotional abuse through swearing, insulting, blackmailing, intimidating, stalking and constantly

¹¹ https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/75340_Supreme%20Court%20DV%20Guidance_June%202020.pdf

monitoring of a victim, degrading treatment, intimidation or similar forms of control or keeping a victim under constant emotional distress by putting them under reasonable fear of using violence against them or persons in a family relationship. All these in most cases constitute elements found in one of criminal offenses provided for by the Criminal Code and, when making the qualification and deciding about these criminal offenses, one has to determine whether the elements of a specific criminal offense have been met or whether this type of violence should be qualified under Article 248 of the Criminal Code¹²

Economic violence includes denying access to or controlling basic resources by restricting the means necessary for living, denying access to medical services, education or employment, damaging property or other forms of pressure in order to keep a person in a dependent economic position. Economic violence can be expressed as a single form of pressure or combined with other forms of abuse or violence, and in particular with psychological violence. For example, one such element can be found in the criminal offense of rape under Article 227 paragraph 4.10.1 which contains sexual violence and an element of economic abuse of the victim "... by abusing his or her control over the financial, family, social, health, employment, educational, religious or other circumstances of such person or a third person"¹³.

3.3. International and Regional Legal framework and standards

The international laws and treaties in recent decades, has promoted a holistic approach in addressing violence against women and domestic violence and has had an increased impact on national legal systems in Europe, and consequently, on the Kosovo legal systems as well.

Knowledge of international and regional rights and norms is important to assist Kosovo's institutional representatives and other stakeholders responsible for combating violence against women and domestic violence. In their everyday duties, it is of the utmost importance to maintain the international and regional obligations, norms and standards to effectively prevent and respond to violence against women.

The main international instruments for dealing with violence against women are set out below:

International human rights treaties and conventions

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Soft law (declarations, guidelines)

Declarations

3.UN Declaration on the Elimination of Violence against Women (1993)

¹² https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/75340_Supreme%20Court%20DV%20Guidance_June%202020.pdf

¹³ Ibid

4. Beijing Declaration and Platform for Action (1994)
5. UN Updated Model Strategy and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2010)
6. UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

3.3.1 Istanbul Convention

The 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is the most far-reaching development in the long line of instruments and standards in this field. It is a comprehensive and complex treaty as well as a human rights treaty, a criminal law treaty and an instrument for promoting greater gender equality. The convention, seen as the “gold standard”, provides for a legally binding definition of violence against women and minimum standards and measures which state authorities need to implement to effectively respond to violence against women and domestic violence. Building squarely on international standards, CEDAW principles, case law and best practices, the Istanbul Convention provides the most comprehensive and detailed blueprint for action in this field.¹⁴

3.4. Definitions set out in the Istanbul Convention

In the Convention, the definitions of “violence against women”, “gender-based violence against women” and “domestic violence” are expressed in the following way:

a. Violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

b. Domestic violence refers to all acts of physical, sexual, psychological and economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;

c. Gender shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d. Gender-based violence against women shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.

e. Victim shall mean any natural person who is subject to the conduct specified in points a and b

f. Women includes girls under the age of 18

¹⁴ <https://rm.coe.int/tot-manual-for-prosecutors-and-judges-eng/1680a1ac54>

Istanbul Convention: its purpose and scope

The purpose of the convention is to end violence against women and domestic violence and to safeguard the fundamental human right for women to live a life free from violence. The cornerstones of the Istanbul Convention are the prevention of violence, the protection of victims and the prosecution of the perpetrators. The convention acknowledges that the struggle against gender-based violence can only ever be effective if states implement holistic and coordinated policies.(REF)

Article 2 – Scope of the Convention

- 1** This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.
- 2** Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.
- 3** This Convention shall apply in times of peace and in situations of armed conflict

The 4 Pillars (4 P's) approach:

Comprehensive legal and policy framework for the protection and assistance to all victims of violence against women and domestic violence is part of the Convention.

Prevention and support

The Istanbul Convention requires states to “take the necessary legislative or other measures to protect all victims from any further acts of violence (Article 18(1))¹⁵.

The Convention contains the general obligations to prevent violence against women and detailed preventive measures which aim to:

- promote changes in attitudes and behaviour that condone violence against women;
- raise awareness to enable the public to recognise gender-based violence in all its forms, wherever it occurs, and to speak out against it;
- include teaching material on equality issues in the curricula at all levels of education, in order to teach children mutual respect in relationships;
- train all relevant professionals working with victims in the prevention and detection of violence;

¹⁵ <https://www.coe.int/en/web/istanbul-convention/basic-texts>

- develop treatment programmes for perpetrators of domestic violence and sex offenders, aimed at teaching them to respect women and adopt a non-violent behaviour.¹⁶

Protection

Effectively protecting women from gender-based violence requires the adoption of a series of measures aimed at supporting those at risk of violence.

For this purpose, the Convention provides that states shall:

- place the needs and safety of victims at the heart of all measures;
- ensure that survivors know where and how to get help, and set up specialised support services that provide them with medical assistance as well as psychological and legal counselling;
- provide shelters and 24/7 telephone helplines;
- establish emergency barring orders to remove perpetrators from the family home, as well as restraint or protection orders;
- protect and support children who witness violence within their families.¹⁷

Prosecution

A strong criminal law framework is needed to bring justice to victims, hold perpetrators accountable and end impunity: under the Istanbul Convention, states parties are expected to criminalise (or penalise through other measures) the various forms of violence, including:

- psychological violence;
- stalking;
- sexual violence, including rape;
- sexual harassment;
- forced marriage;
- female genital mutilation;
- forced abortion and forced sterilisation.

¹⁶ Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, accessed: <https://rm.coe.int/16800d383a>

¹⁷ *ibid*

States parties are also required to:

- ensure that all these forms of violence are appropriately punished;
- ensure that culture, religion, tradition or other personal reasons are not accepted as a defence for criminal behaviour, neither in law nor in practice;
- ensure that victims and their children have access to special protection measures during investigation and judicial proceedings;
- ensure that law-enforcement agencies respond immediately to calls for assistance, manage dangerous situations adequately and swiftly investigate all allegations of violence against women.¹⁸

Integrated policies

In order to ensure more results, the convention calls states parties to adopt a holistic response by developing and implementing comprehensive integrated and coordinated policies which government agencies, NGOs, health care professional police, judiciary, social services as well as national, regional and local parliaments and authorities.

3.4 Informing and engaging with the public

The Istanbul Convention itself constitutes as a powerful awareness-raising and advocacy tool. To raise awareness about violence against women and domestic violence, it is important to reach out and engage with all members of the society. Governmental institutions representatives such as parliamentarians should engage with national human rights institutions or ombudsmen's offices, the justice sector, law-enforcement agencies, the executive, NGOs and other civil society organizations, the media and academia to make implementation of the Istanbul Convention an all-inclusive undertaking.

4. VIOLENCE AGAINST WOMEN: MISCONCEPTIONS, MYTHS AND FACT¹⁹

There are many myths around violence against women and domestic violence and its causes. Myths are most widely-believed, deep-rooted misconceptions and often very difficult to identify and challenge.

¹⁸ ibid

¹⁹ <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/>

4.1 Challenging the myths

Myth #1: Alcohol and drugs make men more violent.

Reality: Alcohol and drugs can make existing violence worse, or be a catalyst for an attack, but they do not cause domestic violence. Many people use alcohol or drugs and do not commit violent acts on their partner, so it should never be used to excuse violent or controlling behaviour. The perpetrator alone is responsible for their actions.

Myth #2: If it was that bad, she'd leave.

Reality: Women stay in abusive relationships for many different reasons, and it can be very difficult for a woman to leave an abusive partner – even if she wants to. She may be frightened for her life or for the safety of her children if she leaves; she may have nowhere to go; she may have no financial independence. Abusers often isolate their partners from family and friends in order to control them, making it even more difficult for an abused woman to exit the relationship.

Myth #3: Domestic violence involves only physical violence.

Reality: Domestic abuse does not always include physical violence. International law defines violence against women as “any act of gender-based violence that results in or is likely to result in physical, sexual or mental harm or suffering to women”.

Myth #4: Domestic violence is a private family matter

Reality: Domestic violence is a human right violation and a serious widespread crime and happens every single day all over the world, affecting women of all ages, race, classes and backgrounds. If domestic violence is described as a ‘private family matter’, we minimise, disregard and permit it.

Myth #5: There is nothing wrong with a sexist joke

Reality: Sexist jokes and sexist attitudes reinforces gender stereotypes, existing prejudices and stigma and often tend to normalize gender-based violence and discrimination.

Myth #6 Women often lie about violence exercised against them

Reality: This myth is extremely damaging, because the fear of being called a liar can and does prevent women from reporting the abuse they have experienced.

Myth #7: Domestic abuse is a ‘crime of passion’ and a momentary loss of control.

Reality: Domestic violence is not about losing control but taking control. Abusive partners rarely act spontaneously when angry. They consciously choose when to abuse their partner: when they are alone, and when there are no witnesses (if there is a witness, then usually they are a child).

Myth #8: Women are more likely to be attacked and raped by strangers

Reality: In fact, the opposite is true. Women are far more likely to be assaulted, raped and murdered by men known to them than by strangers. Women are far likelier to be attacked by a man they know and trust.

Myth #9: She provoked him

Reality: This myth is widespread, and it is commonly based on the belief that the man is the head of the family, and that his role is to punish his partner or children if they act in a way he doesn’t approve of. This myth is dangerous because any reference to ‘provocation’ means that we are blaming the woman and dismissing the abuser of responsibility for his actions.

Myth #10: Women are just as violent as men

Reality: In most cases, domestic violence is experienced by women and perpetrated by men. It is a gendered crime which is deeply rooted in the societal inequality and power relations between women and men. Women are more likely than men to experience multiple incidents of violence, different types of domestic violence, and sexual violence in particular. Gender-based violence and sexual violence remain widespread in Kosovo. More than 64% of women have stated that they have experienced sexual harassment in their lifetime²⁰.

²⁰ http://kgscenter.net/site/assets/files/1742/gender_base_violence_eng-1.pdf

Gender stereotypes

A stereotype is a generalised view or preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by, members of a particular social group. We are all exposed to stereotypes that prevail in society, and these can in turn influence our perceptions. Stereotypes may relate to age, ethnicity, disability, gender or other presumptions.

Although such views may have changed with time, the underlying assumptions about women's appropriate role in a family and community are endured in many societies. For instance, a persistent stereotype is that men are or should be the heads of households and the main breadwinners, whereas women will or should prioritise family life and have children for whom they will be the main providers of care. Such stereotypes manifest in many areas of life ranging from education, employment, marriage and family relations, health and reproductive issues.

Campaigns

Public awareness-raising campaigns are a central and long-established tool in the prevention of violence against women and can be an effective measure for challenging stereotypes that perpetuate gender-based violence against women and can be targeted at different levels to interrupt the pathways to violence.

At societal level, campaigns can be an effective way to convey a strong message to society that any form of gender-based violence against women is a violation of human rights and should not be tolerated, including harmful practices that are often justified through concepts of culture, religion and "honour", such as female genital mutilation or forced marriage.

At institutional level, campaigns can be used to mobilise both the public and the private sector in prevention, for example by targeting employers' associations or trade unions.

5. INSTITUTIONAL SET UP AND THEIR ROLE IN RESPONDING TO VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

In recent years, Kosovo has made progress with its legal framework addressing violence against women and domestic violence. The amendment to the Constitution, which allowed for the implementation of the Istanbul Convention in Kosovo, and revision of the criminal code has resulted in the inclusion and definition of domestic violence as a separate criminal offense, precisely defining all acts of domestic violence, aligned with the requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention. At this stage, the coordinated response to violence against women and domestic violence is essential. It requires coordinated efforts by all actors, including the police, judiciary, social services, child protection agencies, health care

professionals, women's non-governmental organisations and other relevant partners. It is essential that all laws are harmonized with the obligations deriving from the Istanbul Convention, followed with the much-needed efforts in strengthening the mechanisms that have been established.

Institutional mechanisms, services and actors

Although every year we witness an increase of reporting by women victims and survivors of violence, the need to ensure that they get the support they require should increase as well. As the violence against women and domestic violence is prevailing, Kosovo institutions of security and justice need to strengthen their response to such crimes, improve prevention, security, services and provide equal access to justice for all.

The institutional mechanisms and other stakeholders responsible for the response, prevention and prosecution of the cases of all forms of violence against women and girls in Kosovo are:

National Coordinator against Domestic Violence has been automatically selected as the person that serves as a Deputy Minister of Justice and who has a mandate, inter alia, to supervise the implementation of the Kosovo National Strategy for Protection from Domestic Violence, to coordinate the work of the Inter-Ministerial Coordinating Group against Domestic Violence, and to monitor the implementation of the activities of the National Action Plan (through collection of information and drafting of monitoring and evaluation reports)²¹.

Kosovo Police investigates crimes that are related to domestic violence and refers violence victims to other services. Police carries out the investigation and prosecution for the crimes that are committed within the family, in accordance with the Criminal Code of Kosovo (KCC). In addition to the stipulations as per the Criminal Code, the Kosovo Police can also implement the Law on Protection from Domestic Violence, issuing temporary emergency protection orders after the working time of the courts²². The Kosovo Police is also obliged to accompany the victim so that he/she can obtain their personal belongings, respond to any kind of report about threats or acts of domestic violence, or in cases of suspicions that there have been acts of domestic violence, immediately arrest the perpetrators who are suspected of having committed criminal acts. The regular phone line is used to contact the police to report cases of domestic violence. Moreover, the Police has established Domestic Violence Investigation Units (DVIU), which are present in each municipality and consist of one female and one male officer (though in practice, data show that there are more cases of male officers having the first contacts). The training and higher education for individuals that are obliged to enforce Kosovar laws, including Kosovo Police, Police Inspectorate, Kosovo Probation Service, Kosovo

²¹ AGE National Strategy of Republic of Kosovo for Protection Against Violence Against Women (2016-2020) accessed : <https://abgj.rks-gov.net/en/publikimet/105/publikimet-abgj>

²² Law on Protection from Domestic Violence, Article 26, Paragraph 1

Correctional Service, and Customs, are organized by the Kosovo Academy for Public Safety (KAPS). KAPS also organizes trainings for the DVIU on “Domestic Violence Investigation”²³

Office of the Prosecutor – The state prosecutor is responsible for reviewing the evidence of a domestic violence incident to identify whether there is sufficient evidence to justify and support the prosecution of the case. This includes every violation of protection orders²⁴. Upon becoming aware about a case, prosecutors are obliged to undertake immediate actions on it and prioritize it, considering the specifics of the case. The prosecutors are also obliged to make sure that all the persons that are foreseen by law are present, including the person that has suffered violence, the Victim’s Advocate, social worker, prosecutor, and doctors. Amongst other tasks of the prosecutor is the supervision of the work of police, mainly DVIUs, to ensure that all the steps to collect evidence have been undertaken. After the investigations are completed and the evidence is deemed as sufficient, the office of the prosecutor, without delay, must raise the indictment or dismiss the charges. The office of the prosecutor has specially appointed prosecutors that coordinate the work for treating domestic violence cases.²⁵

Basic Courts - play a crucial role in the process of ensuring a righteous and lawful treatment of domestic violence cases. They are responsible for impartial treatment and providing dignity to all the parties, including domestic violence victims and perpetrators of the criminal act. As part of the civil procedure, courts review the requests for protection orders and emergency protection order, thus deciding the protection measures that are foreseen by Law on Protection against Domestic Violence. Courts are obliged to bring decisions on protection orders within legal timeframes foreseen by Law, and they also have to treat domestic violence cases with priority. In criminal procedures, courts have the authority to punish perpetrators of offences that fall within the area of domestic violence, as well as persons who have violated protection orders. Courts are obliged to inform all the parties involved in the procedure on the rights that they are entitled to, as well as the consequences of their inaction.²⁶

Victim’s Advocate – Victims’ Advocacy and Assistance Office (VAAO) is within the Office of the State Prosecutor of Kosovo. The victim’s advocate usually meets the victim immediately after the police reaction to a reported case of domestic violence and they are responsible to ensure that the victim understands the services that can be provided to him/her by the state and the methods on how to access them²⁷.

²³ AGE National Strategy of Republic of Kosovo for Protection Against Violence Against Women (2016-2020) accessed : <https://abgj.rks-gov.net/en/publikimet/105/publikimet-abgj>

²⁴ Action Procedures for Protection against Domestic Violence in Kosovo, p.48

²⁵ AGE National Strategy of Republic of Kosovo for Protection Against Violence Against Women(2016-2020)accessed : <https://abgj.rks-gov.net/en/publikimet/105/publikimet-abgj>

²⁶ Standard Action Procedures for Protection against Domestic Violence in Kosovo, p.23

²⁷ Standard Action Procedures for Protection against Domestic Violence in Kosovo, p. 22

Legal Aid Offices – provide legal remedies to endangered groups that are covered by social assistance. In 2012, the Kosovo Law on Free Legal Aid also included domestic violence victims in the list of categories of persons that are entitled to start the procedure to ask for free legal aid (Article 31). In this regard, the role of Legal Aid Officials who manages all the cases of crime, is different from the Victim's Advocate. In case there is a lack of respective documentation for the category of domestic violence victims, the written statement of the victim's advocate will be taken as a basis for the request²⁸. Five state-funded Legal Aid Offices are operational in Prishtina, Prizren, Peja, Mitrovica and Gjiilan.

The Agency for Gender Equality²⁹ has the mandate to design, implement, propose, coordinate, and monitor local and international public gender equality policies. Its Legislation Division proposes the drafting, amendment and supplementation of laws, regulations, as well as the adoption of other measures. Therefore, it has a key role in the designing of policies that address sexual harassment in the public administration in the country. The mandate, duties, and responsibilities of AGE are defined in the Law on Gender Equality³⁰

Ombudsperson Institution represents legal mechanism for protection, monitoring and promotion of human rights and fundamental freedoms of natural and legal persons from unlawful and irregular actions or inactions of the public authorities, institutions and persons or other authorities, who exercise public authorities in the Republic of Kosovo³¹. The Ombudsperson has regional offices in Prishtina, Peja, Prizren, Mitrovica, Gjakova, Gjiilan and Graçanica. Regional offices have one unit for Gender Equality and one Official for Gender Equality.

Municipal Institutions and Coordinating Mechanism for Protection from Domestic Violence – After decentralization, municipalities have been given competences, especially with regard to financing of service providers, such as shelters. Thus, municipalities have to plan budget resources for social sheltering of victims of domestic violence, and in special cases they should provide material assistance to children and families in need³²

NGOs and Shelters – Currently, there are 7 licensed shelters in Kosovo that provide a safe place where victims of domestic violence and their children are granted with temporary accommodation, safety, advocacy and other services³³. They are functional in: Gjiilan, Peja, Gjakova, Prizren, Mitrovica, Ferizaj and Novo Brdo.

²⁸ Law on Free Legal Aid, Article 31 Paragraph 4

²⁹ Agency for Gender Equality: <https://abgj.rks-gov.net/home>

³⁰ Law on Gender Equality: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923>

³¹ <https://www.oik-rks.org/>

³² Law on Social and Family Services, Article 1.

³³ Agency for Gender Equality: Standard Operating Procedures for Protection from Domestic Violence (Prishtinë/Priština, 2013), page 10

The centralized database³⁴ - includes the cases of domestic violence. This database will enable the monitoring and prosecution of domestic violence cases in Kosovo, and ensure accountability, by obliging relevant institutions to feed the database with the necessary information from central and local levels. The database will be led and supervised by the Deputy Minister of Justice and National Coordinator for Protection from Domestic Violence.

5.1 Requirements of the Istanbul Convention regarding the type of the services, standards that should be available and provided for victims of gender-based violence

With the amendment to the Constitution which implemented the Istanbul Convention, Kosovo institutions are responsible to implement certain standards and provide access to the services for victims and survivors of gender-based violence according to the requirements.

Brief descriptions of the types of services:

Shelters (Article 23)- Safe accommodation and central role in specialised response to violence against women

Telephone helplines (Article 24)- State-wide, round-the-clock, free of charge, all forms of violence against women and domestic violence

Support for victims of sexual violence (Article 25)- Rape crisis or sexual violence referral centers for victims; medical and forensic examination, trauma support, counselling

Protection and support for child witnesses (Article 26)- Support services are to take the rights and needs of child witnesses into account; age appropriate psychological counselling

Support during the legal process (Article 55, para 2; Article 56, para1(e))- Domestic violence counsellors to assist and/ or support victims during investigations and judicial proceedings

Providing victims with appropriate support services so that their rights and interests are duly presented and taken into account

Perpetrator programmes (Article 16)- Two separate types of programmes: those targeting domestic violence perpetrators and others designed for sex offenders

³⁴ The Kosovo Minister of Justice, Minister of Labor and Social Welfare, Head of the Kosovo Judicial Council, Head of the Kosovo Prosecutorial Council, and the Director of the Kosovo Police signed a memorandum of understanding for the establishment of the integrated database: dealing with violence against women and girls signed a memorandum of understanding on an integrated and unified database for cases of domestic violence, accessed: <https://eca.unwomen.org/en/news/stories/2019/04/kosovo-to-start-using-an-integrated-database-for-cases-of-domestic-violence>