




STUDY ON THE INSTITUTIONAL AND LEGAL APPLICABILITY OF THE ISTANBUL CONVENTION IN KOSOVO

WOMAN'S WELLNESS CENTER





Woman's Wellness Center, September 2023
All rights are reserved.

Study on the institutional and legal applicability of the Istanbul Convention in Kosovo, was developed with the support of the "SMART Balkans – Civil Society for Shared Society in the Western Balkans" regional project implemented by Centar za promociju civilnog društva (CPCD), Center for Research and Policy Making (CRPM) and Institute for Democracy and Mediation (IDM) and financially supported by the Norwegian Ministry of Foreign Affairs (NMFA).

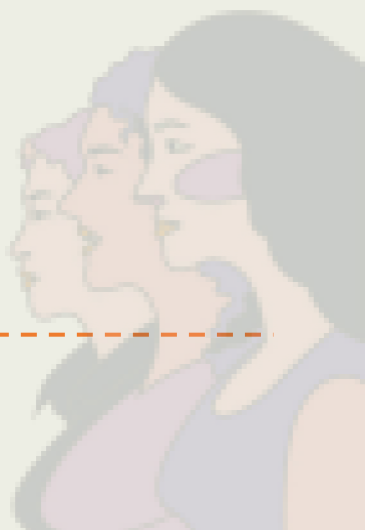
The content of the Study on the institutional and legal applicability of the Istanbul Convention in Kosovo is the sole responsibility of the project implementers and does not necessarily reflect the views of the Norwegian Ministry of Foreign Affairs (NMFA).

About the Woman's Wellness Center - Peja

The Woman's Wellness Center (WWC) is a non-governmental organization that was founded in November 1999 in Peja in collaboration with the women of the local community raising their voices against domestic violence, and called for equality between men and women, as studies show that violence has deep roots in social inequality, and the culture of intolerance and its denial.

WWC is registered as a local NGO in May 2001 to provide a safe and confidential environment in which women, survivors of domestic violence can receive counseling and services for their health, educational, psychological, legal and reintegration needs.

The goal of the organization is to increase the availability and sustainability of social services for women and children who have experienced domestic violence. WWC implements the legal and institutional framework against gender-based violence and establishes functional protection mechanisms to encourage survivors to break the cycle of violence and seek support.





ACKNOWLEDGMENT.

The Woman's Wellness Center (WWC) thanks all the representatives of the institutions and organizations who contributed their time to the realization of this research. QMG deeply appreciates its continuous cooperation with all central and local institutions. QMG thanks the research team consisting of Xjulieta Devolli, Roni Ramizi, Dea Drancolli and Blin Kusari who worked tirelessly to analyze the compatibility of national legislation, procedures, action plans with the mandatory provisions of the Istanbul Convention and to create interview guides. Besarta Breznica and Ardita Ramizi Bala supported the drafting and summarizing the field findings from in the final report.

WWC expresses gratitude and acknowledgment to all the officials of the institutions and civil society who expressed their willingness to share their time and participate in this research by participating in interviews and filling in the questionnaires. Through the data that the representatives of the institutions shared with WWC, they enabled the elaboration of the issues that are included in this report. WWC appreciates the contribution of all staff members, whose contribution has been extremely important for the realization of this research.




EXECUTIVE OVERVIEW

Regarding the legal framework for the treatment of gender-based violence in Kosovo, there have been several changes since 2015. The amendment of the Constitution of Kosovo to incorporate the Istanbul Convention, the integration of domestic violence and sexual harassment into the Penal Code of Kosovo, as well as the creation of the National Strategy for the Prevention of Domestic Violence and the Action Plan (2016–2020) were some of the initial initiatives for changing the legal framework. However, there are still laws that address cases of domestic violence and numerous strategies that are not in line with the Istanbul Convention, which are still being reviewed.

The Center for Women's Welfare (CWW) has initiated this research to uncover the remaining shortcomings in Kosovo's legal framework for implementing the Istanbul Convention and to provide information on ongoing processes with an assessment of knowledge, attitudes, and the performance of institutions that are responsible for implementing the respective legal framework. To achieve full implementation of the Istanbul Convention, the research recommends that Kosovo should continue to improve and update its legal framework, addressing the uncovered deficiencies and increasing the capacity of institutions for proper implementation of new laws and policies.


The research has revealed that Kosovo is on a path to improving the alignment of its policies and legislation with the Istanbul Convention. Generally, interviewees emphasized that the country is working to consolidate policies that are in line with the Istanbul Convention and is striving to bring its standards into the local legal framework. However, there are institutions that do not have specific knowledge about which legislative policies are changing and what needs to change to come closer to the provisions of the Istanbul Convention.



The conducted research has revealed that knowledge and attitudes towards the Istanbul Convention are high in Kosovo. All interviewees were aware that the Istanbul Convention is part of the Constitution of Kosovo, showing a high level of knowledge about the legal framework for gender-based violence. Overall, this research found that interviewees have knowledge about the implementation of the Istanbul Convention. The research highlighted that KS institutions consider it to be extremely important. Moreover, they expressed that the Istanbul Convention assists in completing the relevant legal framework to be applied in Kosovo for dealing with cases of gender-based violence, however, some believe that there is still a lack of sufficient funds for creating a complete technological and legal infrastructure, in accordance with the requirements of the Istanbul Convention.

Overall, the research indicates that there is progress and challenges in implementing the Istanbul Convention in Kosovo. Interviewees shared views on this issue, with some of them assessing that the Kosovo Police is implementing the principles of the Istanbul Convention during the handling of domestic violence cases. However, others have expressed concern that while the principles of the Convention are implemented at the level of decisions and judgements, practical implementation may be hindered by budgetary issues.

The lack of implementation of the Electronic Monitoring Law, approved as far back as 2015, specifically in the use of "ankle monitors" in cases of persons under protection orders, is mentioned as an example of weak implementation of the Convention's principles in practice. The importance of adapting guidelines and policies to align with the Istanbul Convention has been emphasized, with specific references to the 2013 Gender-Based Violence Guide for healthcare service providers. This document is being reassessed and is expected to be altered in compliance with the principles of the Convention.




Despite these efforts, interviewees have expressed that there is still a need for improvement and that the Istanbul Convention is still not being fully implemented in practice. These views indicate that, even though there is progress, Kosovo needs to work harder to ensure that the principles of the Istanbul Convention are fully and effectively implemented.

Interviews with representatives of institutions have determined that the full implementation of the Istanbul Convention is a challenge not only for Kosovo, but also for all countries in the Western Balkans. This assessment is based on the GREVIO Report, a mechanism that monitors the implementation of the Istanbul Convention. According to interviewees, no country from the Western Balkans has fully met the Convention's requirements, but there is also a noticeable acceptance of its standards in reality. Despite these views, some of the institutional officials had no knowledge of GREVIO's comments about Kosovo.

According to them, the practical implementation of relevant legislation and subordinate acts is still an issue that needs to be worked on. The research has revealed that special focus needs to be given to the reintegration of victims of gender-based violence. This is an important issue, as it ensures that support for victims does not simply end with the punishment of the perpetrators, but continues to ensure that victims have the resources and support they need to recover and build a new life after violence.

Despite commitments to align national legislation with the principles of the Convention, the research found that Kosovo still faces challenges in fully implementing its standards. The research highlighted that Kosovo is currently in the phase of approving amendments to the Law on Protection from Domestic Violence, which needs to be in line with the Istanbul Convention. Kosovo is also in the process of drafting-approving several other laws, which



are also related to the implementation of the Istanbul Convention, such as the draft law on Social and Family Services and the draft law on Social Housing. However, this research emphasizes that the legal changes, apart from being ongoing, are not enough. It is necessary for competent bodies to work harder on the effective implementation of the obligations arising from the current legislation and the Istanbul Convention, and to raise the level of accountability.



INTRODUCTION


The Istanbul Convention, also known as the Council of Europe Convention on preventing and combating violence against women and domestic violence, is an agreement adopted by the Council of Europe in 2011. The Convention aims to prevent and combat gender-based violence (GBV) against women and domestic violence, protect victims and ensure the prosecution of perpetrators of violence.

Gender-Based Violence (GBV) is violence committed against a person because of their gender or violence that disproportionately affects individuals of a particular gender. Given the unequal relationships that exist between women and men in most societies, gender-based violence tends to disproportionately affect women more than men.

GBV is a global problem affecting millions of women and girls every year, regardless of age, ethnicity, social or economic status. It includes any form of violence or abuse perpetrated against women because of their gender, such as physical, sexual, psychological or economic violence as well as harmful traditional practices such as forced marriage and genital mutilation.

Studies on gender-based violence show that violence against girls and women is one of the most widespread human rights abuses worldwide. In many societies, women are still blamed for reporting violence. Until recently, legislation in some countries differentiated between violence in public and private spaces, leaving women vulnerable to domestic violence.

The Istanbul Convention is considered one of the most comprehensive international legal instruments for combating gender-based violence, as it provides a comprehensive framework for preventing and combating violence against women and domestic violence, protecting victims, and prosecuting perpetrators



of crime. Its rules range from preventive and protective measures to prosecution and punishment measures, as well as measures to provide support and assistance to victims.


Although the Istanbul Convention has been ratified by several countries worldwide, there are still many challenges and obstacles to its effective implementation. These include cultural and social norms, lack of awareness and understanding of gender-based violence, lack of funds, and limited access to justice and services for victims.

Kosovo has signed the Istanbul Convention and ratified it in 2020, becoming one of the first countries in the region to do so. By ratifying the Convention, Kosovo has accepted legal obligations to take action to prevent and combat violence against women and domestic violence and to protect the rights of women and girls.

A study conducted by the Kosova Women's Network (KWN) found that 56% of men and 68% of women had experienced some form of domestic violence during their lifetime. As the signatory states of the Istanbul Convention are obliged to change all other accompanying laws and adapt them to the Istanbul Convention, in 2019, the Kosovo Penal Code (KPC) was amended. This change occurred in order to include other criminal acts in compliance with the Istanbul Convention, including: domestic violence, sexual harassment, and female genital mutilation.

The Istanbul Convention requires its signatory states to take a series of measures to prevent and combat this type of violence, protect victims, and prosecute the perpetrators of crime. There are several reasons why a country should consider changing its laws to comply with the Istanbul Convention. These include:

1. Protecting women from violence: The Istanbul Convention provides a comprehensive structure for preventing and combating violence against women and domestic violence. By aligning their laws with the Convention, countries can



ensure that women are better protected from this type of violence and have access to appropriate services and support.

2. Ensuring accountability: The Istanbul Convention requires signatory states to hold the perpetrators of violence accountable for their actions. By aligning local laws with the Istanbul Convention, countries can ensure that perpetrators of violence are prosecuted and adequately punished.
3. Promoting gender equality: Violence against women and domestic violence often have their roots in gender inequality. By aligning local laws with the Istanbul Convention, states can help promote gender equality and reduce the prevalence of this type of violence.
4. Commitment: By ratifying the Istanbul Convention and aligning laws with its provisions, states can demonstrate their commitment to preventing and combating violence against women and domestic violence.
5. Various research and monitoring indicate that since 2008, Kosovo has enacted various laws and policies aimed at addressing and improving the treatment of gender-based violence. However, a portion of the primary legislation addressing victims of gender-based violence remains deficient and incomplete in terms of compliance with the Istanbul Convention.

Despite changes in the legal framework and the approval of many additional documents that assist in dealing with cases of gender-based violence, this report analyzes the extent to which institutional workers recognize the Istanbul Convention and what further steps need to be taken. Generally, the research aims to propose evidence-based recommendations for improving the treatment of cases of gender-based violence. Throughout this research, it was observed that 100% of the respondents, representatives of various institutions, were informed that the Istanbul Convention began to be implemented in Kosovo since 2020, from the time of its ratification in the assembly.


METHODOLOGY

In this research, the key research questions were: 1) To what extent are public institution representatives informed about the Istanbul Convention; 2) How much are Kosovo's laws in line with the Istanbul Convention and 3) To what extent do public institution representatives recognize and fulfill their duties, which are related to the treatment of cases of gender-based violence.

To answer these research questions, the Women's Network of Kosovo (WNoK) used the research method of interviewing representatives of public institutions, reviewing statistical data, and analyzing the laws of Kosovo. WNoK will use a sample composed of various representatives of public institutions in Kosovo and civil society organizations working in the field of gender equality.

Firstly, to obtain the answers to the first research question, WNoK used a structured questionnaire. The questionnaire included questions related to the level of knowledge of representatives about the Istanbul Convention and its provisions. In addition, including topics such as representatives' perceptions of the Istanbul Convention, their experiences in dealing with cases of gender-based violence, and their attitudes towards the implementation of the Convention in Kosovo.

The interview guide used by the research team to carry out this research report aimed to analyze the current knowledge status of institution representatives about the Istanbul Convention and their outcomes in cases of gender-based violence. The interviews were conducted from January to April 2023 in Prishtina, Gjilan, Peja, Prizren, Mitrovica, Ferizaj, Istog, Klina, and Decan. Consent for conducting the interviews was sought in advance. The survey respondents were 13.33% male respondents and 86.67% female respondents. Subsequently, the data was independently analyzed. The WWC research team conducted 25 interviews with various institutions and representatives of non-governmental




organizations. This included representatives from: the Ministry of Justice, the Ministry of Justice - Social Services, the Ministry of Justice - Division for Protection from Domestic Violence, the Kosovo Police, the Ministry of Education, Science, Technology, and Innovation, the Ministry of Health, Victim Advocates, the Forensic Medicine Institute, the Institution of the Ombudsman, Prishtina Municipality, the Agency for Free Legal Aid, the Centre for the Protection of Women and Children, the Kosovo Law Institute (KLI), the Kosovo Women's Network (KWN) the NGO "Follow Up", the NGO SIT, and the Network of Roma, Ashkali and Egyptian Women's Organizations of Kosovo. Meanwhile, the following participated in the questionnaires sent by WWC: the Center for Social Work, Prosecutors, Courts, Family Medicine Centers, and Lawyers.

The research team examined all statistical data related to gender-based violence. These data were requested from the Kosovo Police. This was done with the aim of examining the progress of gender-based violence cases. Also, the collection of statistics was done with the aim of holding institutions accountable for their performance and to identify areas for improvement.

WWC analyzed numerous laws that deal with the treatment of gender-based violence cases and compared whether they are in compliance with the Istanbul Convention. Given that Kosovo is a signatory to the Istanbul Convention and the Istanbul Convention obliges all signatory states to draft and harmonize laws in accordance with the Istanbul Convention. In addition, the Istanbul Convention is an international instrument aimed at preventing gender-based violence and promoting gender equality in all aspects of life.

The Istanbul Convention sets clear and binding standards for states to take necessary measures to protect women and girls from gender-based violence. The Istanbul Convention is an important human rights protection instrument and a guarantee for its implementation must be effectively ensured by states. This means



that laws for protection from gender-based violence must be intertwined with strong and effective mechanisms for their implementation, including competent institutions which must be ready to investigate and to prosecute perpetrators of gender-based violence.


In addition, compliance with the Istanbul Convention is also important for Kosovo at this time, when the state is making efforts to make progress on the path towards European integration. Full implementation of the Istanbul Convention will help Kosovo meet high standards of human rights and meet the requirements of the European Union in this field.

LEGAL FRAMEWORK FOR PROTECTION FROM GENDER-BASED VIOLENCE

International Instruments

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) understands Violence against women as a violation of human rights and a form of discrimination against women which manifests as gender-based violence in the form of physical, sexual, psychological, or economic violence (harm) or suffering inflicted on women, including threats of such actions, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The Istanbul Convention refers to Domestic violence as: “all acts of physical, sexual, psychological, or 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.

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires states to take all appropriate measures to ensure adequate legal protection of women's rights, on an equal level with men, including through competent local courts, public institutions, until achieving effective protection of women against any act of discrimination. The Convention is directly applicable in Kosovo thanks to the Constitution of Kosovo, specifically Article 22. In addition, the purpose of CEDAW is to prevent and eliminate discrimination against women in all forms and in all areas of life. The Convention contains important provisions that require state parties to take steps to guarantee full equality between men and women, ensuring equal rights in areas such as education, work, health, and civil rights.



In addition to incorporating the CEDAW Convention into the Constitution, in 2014 Kosovo adopted the Law on Gender Equality, which prohibits discrimination in employment, education, and all other areas of life. The law also contains provisions to assist women in cases of violence. In 2015, the General Strategy for Gender Equality was adopted, which aims to promote gender equality in all areas of life.

The European Convention on Human Rights and Fundamental Freedoms (ECHR) provides that everyone has the right to personal liberty and security. It also prohibits discrimination in the enjoyment of the rights and freedoms set forth in the Convention "without any distinction based on such grounds as sex, race, colour, language, religion, political or other opinions, national or social origin, belonging to a national minority, wealth, birth or any other status". The Protocols to the Convention are directly applicable in Kosovo thanks to the Constitution of Kosovo, specifically Article 22.

Above all, the ECHR aims to:


- Protect the fundamental rights and freedoms of individuals; The ECHR protects and promotes the fundamental rights and freedoms of individuals, such as the right to life, personal freedom, the right to liberty and security, the right to a fair and speedy trial, and the right not to be tortured.
 - Undertake investigations and punish violations of human rights; The ECHR requires member states to undertake investigations and punish individuals who violate the fundamental rights and freedoms of individuals.
 - Promote the respect of human rights and freedoms in Europe and the world; The ECHR aims to promote the respect of human rights and freedoms in Europe and the world, making this a common goal for member states.
-

- Raise international awareness about the fundamental rights and freedoms of humans; The ECHR aims to increase international awareness about the fundamental rights and freedoms of humans, promoting their recognition and their practical use.

The United Nations Declaration on the Elimination of Violence Against Women (UNDEVAW) calls on states to condemn violence against women, and not to use any custom, tradition or religious practice as a justification to escape efforts to eliminate violence against women. Furthermore, it calls on "states to take all necessary actions without any delay to develop policies which contribute to the elimination of violence against women."

The Declaration calls on states and international communities to take significant steps in the fight against violence against women, emphasizing several main objectives:

- Protection of women's rights and freedoms: The Declaration emphasizes the rights and freedoms of women, calling for their protection from violence and discrimination.
- Elimination of violence against women: The Declaration aims to take steps to eliminate violence against women around the world, urging states to take necessary measures to combat this problem.
- Raising awareness and educating the public: The Declaration promotes the raising of awareness and educating the public about women's rights and freedoms and to sensitize society to the danger of violence against women.
- Strengthening the role of women in society: The Declaration seeks to strengthen the role of women in society and their recognition as an equal part of it, giving women equal opportunities in decision-making in political, economic and social life.



CEDAW, General Recommendation No. 19 defines "gender-based violence" as "violence that is directed against a woman because she is a woman or that affects women disproportionately...[including] acts causing or likely to cause physical, sexual or psychological harm or suffering, threats of such acts, coercion and other deprivations of liberty". It specifies that CEDAW applies to violence perpetrated by public authorities and under general international law and specific human rights treaties. States are also responsible for private acts "if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and to provide compensation".

CEDAW, General Recommendation No. 33, among other things, in its recommendations on women's equal access to justice, calls on states to improve the infrastructure of women's access to the judicial system, towards achieving de jure and de facto justice, and to ensure that the issues dealt with by the judicial system are treated with gender sensitivity.


CEDAW, General Recommendation No. 35, building on the issues raised in Recommendation No.19, emphasizes that states must strengthen the implementation of their obligations in relation to gender-based violence, both at the legislative and executive levels. Further, this recommendation stresses the need to "criminalize all forms of gender-based violence against women, in every sphere, including physical, sexual, or psychological integrity, and to promptly introduce legal sanctions that are proportionate to such acts, as well as introducing regulations in the civil aspect.

Laws and policies in force in Kosovo regarding gender-based violence

The Penal Code of Kosovo, since 2019, considers domestic violence as a criminal offense. According to Article 248, anyone who commits violence or mistreatment, physical, psychological, or economic, with the purpose of violating the dignity of another person within a family relationship, is punished with fines and imprisonment of up to 3 years. Therefore, the Penal Code recognizes the following forms of domestic violence: physical, psychological, economic, and sexual violence within a family relationship.

The Code of Criminal Procedure of Kosovo, in Article 224, states that "In cases of domestic violence, the court may impose the measures specified in the relevant Law on Protection against Domestic Violence, as well as the measures provided for in Article 171 of this Code." Furthermore, in Article 63, it emphasizes that "the injured party or victim who is a victim of terrorism, organized crime, human trafficking, gender-based violence, domestic violence, sexual violence, exploitation or discrimination, and the injured party or victim who has suffered significant harm due to the gravity of the criminal offense, as well as victims with disabilities and those who are particularly vulnerable, must be taken into account."

The Law on Protection against Domestic Violence, along with the corresponding administrative instructions, provides detailed coverage of the matters regulated within the framework of the Law on Protection against Domestic Violence. These legal acts regulate the conduct of civil procedures to protect victims of domestic violence. These legal acts govern the process of issuing protection orders and applicable protective measures for victims, including their support and rehabilitation, as well as measures for the rehabilitation of perpetrators. The law defines acts of domestic violence as intentional acts or conduct that one person inflicts upon




another with whom they are or have been in a family relationship. The law also provides a comprehensive definition of "family relationship" based on various forms of cohabitation in Kosovo, including being engaged or married, being in a non-marital partnership, being in an extramarital relationship, cohabitation in a shared family economy, etc.

The Law on Family Social Services determines and regulates the provision of social and family services for individuals and families in need in Kosovo. According to the Law on Social and Family Services, the Center for Social Work (CSW) as a local public institution is responsible for the protection of all citizens in need of social services. In this regard, CSWs are responsible for the protection of children and, consequently, for the protection of women and girls from all forms of violence, including their reintegration into society. CSWs play a crucial role in the prevention, protection, and reintegration of victims of violence, especially for girls and children.

The Strategy of Kosovo for the Protection against Domestic Violence and Violence against Women 2022-2026 encompasses actions and measures aimed at further advancing the achievements from the assessment of the previous strategy's implementation, while ensuring protection from domestic violence and violence against women in accordance with and following the standards of ratified international instruments.

The Standard Operating Procedures for the Protection against Domestic Violence define the main duties and responsibilities of each institution involved in assisting victims, in accordance with the Law on Protection against Domestic Violence. These institutions include victim advocates, Centers for Social Work, police, prosecutors, courts, the National Agency for Legal Aid (and Regional Legal Aid Offices), the Ombudsperson, shelters, healthcare providers, educational institutions, and CSOs (Civil Society Organizations).



The Standard Operating Procedures for Increasing Efficiency in the Handling of Domestic Violence Cases aim to enhance the efficiency in handling domestic violence cases during the prosecution process by appointing specialized prosecutors to handle domestic violence cases.

During this study, the respondents were also asked if they could identify any legislative or regulatory act adopted by the state in accordance with the Istanbul Convention. 8.33% listed the Penal Code of the Republic of Kosovo and the National Strategy for the Protection against Domestic Violence and Violence against Women 2022-2026. 46.67% referred to the Law on Protection against Domestic Violence, specifically the protective measures provided by this law. 43% mentioned the aspect of criminal prosecution and the new Draft Law on Protection against Domestic Violence, which, according to the respondents in this group, is being developed in line with the Istanbul Convention. 1.67% mentioned the Strategy for the Protection against Domestic Violence and Violence against Women 2022-2026.

Other relevant laws


In addition to criminal laws, both the Law on Gender Equality and the Law on Protection against Discrimination prohibit sexual harassment. Although the inclusion of these prohibitions is positive, the regulation remains inadequate due to the broad scope of these laws, which encompass a wide range of aspects of public and private life, including but not limited to employment, education, access to social protection, social amenities, fair and equal treatment in legal proceedings, and access to public places.

COMPARATIVE ASPECTS OF THE LEVEL OF INTEGRATION OF THE ISTANBUL CONVENTION IN THE LEGAL FRAMEWORK FOR PROTECTION AGAINST DOMESTIC VIOLENCE

Kosovo has made efforts in recent years to improve its legal framework in relation to gender-based violence. As part of the amendments made in 2019, the Penal Code of Kosovo has included domestic violence as a separate criminal offense, also integrating sexual harassment and female genital mutilation as criminal acts. Furthermore, regarding the regulation of sexual violence, the Penal Code also defines the term "consent" and establishes certain non-exculpatory circumstances when it cannot be said that consent was given.

In addition to the Penal Code of Kosovo, in January 2022, the government of Kosovo also adopted the National Strategy for Protection against Domestic Violence and Violence against Women (2022-2026), which aims to achieve its objectives in line with the Istanbul Convention. It is still early to have a monitoring report on this Strategy.

Meanwhile, some essential legislative acts that could significantly integrate the provisions of the Istanbul Convention, such as the draft law on protection against domestic violence and violence




against women, the draft law on family social services, and the draft law on social housing, have remained suspended at various stages of the legislative process, thus jeopardizing the provision of adequate services for women and girls who are victims of gender-based violence. Existing research conducted by civil society organizations, shelters, and the identification of the needs of gender-based violence victims can be utilized towards finalizing these legislative acts and amending other related secondary or primary acts, aiming to align them with the Istanbul Convention.

Definition of gender-based violence

Currently, no legislative act includes the full definition of gender-based violence as outlined in the Istanbul Convention, which is an umbrella concept encompassing all forms of violence defined in the existing Law on Protection against Domestic Violence, including physical, psychological, sexual, and economic violence committed by a relative or a person with whom the victim is or has been engaged, married, or in a "non-marital cohabitation."

Furthermore, Article 248 of the Penal Code stipulates that "domestic violence, physical, psychological, sexual, and economic violence, for the purposes of this code, shall be the same as defined in Article 2, 1.2 of the Law on Protection against Domestic Violence." As highlighted in previous research on this matter, both the Law on Protection against Domestic Violence and Article 248 of the Penal Code exclude certain forms of intimate partner violence that do not cohabit with the victim, which are covered by Article 3b of the Convention.

In order to address these gaps and to be treated within the legal framework in Kosovo, intimate partner violence against women should aim to use the definitions provided in the Istanbul Convention. Specifically, Article 3 of the Istanbul Convention, paragraph (a), states that the term "violence against women" refers



to "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 it occurs in public or private life." On the other hand, the expression "domestic violence" should be understood as a reference to "all acts of physical, sexual, psychological, or economic violence that occur within the family or domestic unit or between former or current spouses or partners, regardless of whether the perpetrator shares or has shared the same residence with the victim."

Furthermore, the definition of "gender-based violence against women" provided in paragraph (d) of Article 3 of the Istanbul Convention contributes to clarifying the provisions by defining it as "violence that is directed against a woman because she is a woman or that affects women disproportionately."

SOS Hotline

Currently, Kosovo has a free 24-hour SOS line at the Victim Protection and Assistance Office , within the State Prosecutor's Office. Assistance Operator Line Number, free of charge 24/7 is 080011112 to provide victims and the public with a confidential mechanism for reporting various criminal acts of abuse: for informing victims and other persons about their rights, providing necessary information about existing services and contact numbers. States are required to establish such lines, which must be open 24 hours, accessible free of charge, and ensure that the anonymity of persons calling to report violence is maintained, as well as confidentiality. In Kosovo, victims can call the police number even if the phone is blocked or if the victim does not have credit on the phone; 112 is the number of the European emergency line that operates in all EU countries, also in Kosovo, but in most cases the number 192 of the Kosovo police is contacted.

However, since Kosovo has ratified the Istanbul Convention, a specific hotline for victims of gender-based violence should be integrated into the legislation on protection from domestic violence and violence against women. This integration should include appropriate funding for the hotline within a clear budget line, professionalism, accountability, and specification of qualifications for the personnel responsible for providing such a service.

This was also a recommendation of the GREVIO report of the Council of Europe, which emphasized that: "You are strongly recommended to ensure the establishment of a toll-free 24-hour helpline dedicated to women victims of all forms of violence covered by the Istanbul Convention, available throughout the territory and in all relevant languages, capable of providing advice to victims, respecting the confidentiality of all callers, and operated by qualified staff trained in all these forms of violence."


The allocation of sufficient budget to address gender-based violence.

The Istanbul Convention calls for states parties to allocate sufficient budget and human resources for the adequate implementation of integrated policies, measures, and programs to prevent and combat all forms of violence against women, including those carried out by non-governmental organizations or civil society.

Historically, shelters as service providers have not had sustainable and adequate financing. Delays in the distribution of funds by the government and mismanagement of funds by some shelters have caused shelters to close, exposing victims to the risk of recidivism. Proper oversight of the Department of Social Welfare has been insufficient. There continues to be a lack of reintegration programs, social housing, and opportunities for securing economic independence.

Furthermore, according to Law No. 02 L-17 on Social and Family Services, the Centre for Social Work (CSW) as a public institution at the municipal level is competent for the protection of all citizens in need of social services, consequently also for the protection of women and girls from all forms of violence until their reintegration into society. The CSWs play a crucial role in the prevention, protection, and reintegration of victims of violence, especially for girl children. However, the CSWs do not have sufficient budgets or capacities to operate their tasks, defined by the legal framework of Kosovo, they lack the proper infrastructure - space and access to reliable transportation, and lack human resources to manage all the cases assigned to them.

To achieve full implementation of the Istanbul Convention in Kosovo, the Kosovo government needs to allocate a sufficient budget for the drafting, implementation, and monitoring of all programs, strategies, and the legal framework for protection




against domestic violence and gender-based violence, focusing on shelters and social work centers as the main actors in providing rehabilitative and reintegrative services. Such a recommendation was also emphasized by the 2022 report on the monitoring of the implementation of the Istanbul Convention (GREVIO): "We also recommend to the authorities to provide appropriate human and financial resources for all institutions and subjects mandated to implement measures aimed at preventing and combating violence against women, including coordinating communal mechanisms against domestic violence."

Prevention of gender-based violence and treatment programs

The Istanbul Convention, under Article 16, requires states to take the necessary legal or other measures to operationalize support programs aimed at teaching perpetrators of gender-based violence to adopt non-violent behavior in interpersonal relationships, towards the prevention of violence and changing their violent behavior characteristics. The Convention particularly emphasizes the need for the operationalization of programs for sexual abusers to prevent the repetition of their actions.

In Kosovo, the Law on Protection from Domestic Violence in Article 9 and Article 4 regulates psycho-social treatment for perpetrators of domestic violence and mandatory medical treatment for perpetrators addicted to alcohol and drugs. The availability of programs for perpetrators of violence in Kosovo remains limited.

The Administrative Directive on Determining the Place and Method of Psycho-social Treatment for the Perpetrator of Domestic Violence provides that programs for perpetrators of violence, psycho-social treatments, can be provided by health institutions, social institutions, and licensed providers of social services (including NGOs), while medical treatment for perpetrators of



violence with addiction issues should be done by medical institutions.

In practice, health institutions, primarily mental health centers, are the main subjects that offer both types of programs. In addition, two NGOs, SIT Centre in Pristina and Safe House in Gjakova, have created pilot psycho-cognitive treatment programs⁹⁴, but such NGO-led programs for perpetrators of violence have received only limited financial support for such activities. The Correctional Service of Kosovo implements a group cognitive-behavioral therapy program for "Anger Management" in detention spaces, but the Correctional Service and the Probation Service still do not have programs for the reintegration and rehabilitation of perpetrators of violence or tracking these cases. The National Strategy of the Republic of Kosovo for Protection from Domestic Violence and the Action Plan for the period 2022-2025 foresees "Strengthening the capacities of the Kosovo Probation Service for tracking the rehabilitation of perpetrators of violence".

Under this Strategy, the government commits to "punish, resocialize and rehabilitate the perpetrators of violence". However, a sufficient budget must be allocated for the drafting of these programs, as well as their implementation, in line with Article 8 of the Istanbul Convention. At the same time, the responsibilities of the institutions responsible for prevention and provision of services within these programs must be clearly defined in the Law on Protection from Domestic Violence.

The 2022 report on monitoring the implementation of the Istanbul Convention in Kosovo (GREVIO) emphasizes that: "It is strongly recommended for the authorities to: a. develop minimum quality standards for all programs for perpetrators of domestic violence, which should center on the safety of victims and their human rights and should include close cooperation between programs for perpetrators of violence and specialized services that assist victims; b. increase the number of available mandatory and voluntary

programs, to ensure their availability throughout the territory based on minimum quality standards."

Programs for Perpetrators of Sexual Crimes

The Istanbul Convention, as emphasized above, requires special attention to be dedicated to the establishment of adequate programs for perpetrators of sexual crimes, aimed at reducing the possibility of these individuals reoffending. Currently, Kosovo does not have specific programs for treating individuals who have committed sexual crimes, while programs for perpetrators of domestic violence may cover sexual violence perpetrated in this context.

On November 23, 2022, the Government of Kosovo approved the State Protocol for the Treatment of Cases of Sexual Violence in the Republic of Kosovo, as a practical tool that contains instructions on how services should be provided for victims/survivors of sexual violence, enabling the establishment of institutional accountability through a coordinated multi-sectoral approach.

The main goal of this Protocol is "to standardize the necessary actions for a continuous, inclusive, and accountable response, for the identification, protection, treatment, documentation, referral, sustainable empowerment, and reintegration of victims/survivors of sexual violence, through immediate and professional interventions by responsible institutions."

The Ministry of Justice is the body responsible for its implementation. The Protocol, among other things, also emphasizes the need for rehabilitation programs for perpetrators of sexual crimes. The State Protocol for the Treatment of Cases of Sexual Violence considers as effective in this direction programs that "succeed through work with the perpetrators of the crime (sexual violence) to make them accept responsibility and to be



publicly seen as responsible for their actions."


This implies that these programs must work closely with specialized support services for victims/survivors, as well as jointly organize awareness campaigns against sexual violence. The Protocol specifies that the perpetrator of the sexual crime or the abuser must follow these programs in implementing the measures taken in protection orders, after the punishment for the violence exerted, or may follow them simultaneously when offered in correctional facilities to provide training for capacity building for relevant professionals to increase their knowledge and skills in treating sexual violence perpetrators.

The latest report on the implementation of the Istanbul Convention in Kosovo (GREVIO) also emphasizes that: "Authorities are recommended to develop treatment programs for perpetrators of sexual crimes, which take into account the best practices developed internationally and guarantee a human rights-based approach."

Generally, regarding the implementation of the legal framework for protection from domestic violence, research indicates that the lack of rehabilitation and reintegration programs for victims and weak rehabilitative services for perpetrators remained among the main challenges faced.

Social services and service providers

Article 18 of the Istanbul Convention outlines a series of general principles that must be respected in the provision of general and specialized protective and supportive services. Article 20 of the Convention, within the framework of General Support Services, emphasizes that parties are obliged to take all legislative measures, or other measures, to ensure full access for victims to services that facilitate their recovery from violence suffered.



These measures, according to the Istanbul Convention, may include services such as: legal and psycho-social counseling, financial support, social housing, education, training, and employment assistance. Furthermore, the Istanbul Convention emphasizes that parties must take all measures to ensure that health services and social services are financed with sufficient budget and with trained professionals who assist victims and refer them to appropriate services.

Under the Law on Social and Family Services and the Law on Local Self-Government, municipalities in Kosovo are required to provide social services, while the Ministry of Finance, Labor and Transfers is responsible for organizing, ensuring quality, monitoring and general inspection of social services for "individuals and families in need". This particularly includes victims of domestic violence, among other categories.

According to the law, each municipality is responsible for providing social and family services in accordance with the standards set by the Ministry. Such social services can be provided by public entities (Centers for Social Work) or these services can be subcontracted from NGOs. As a result, social services are decentralized in Kosovo. While decentralization is reflected in the law, current funding and infrastructure are insufficient.


According to the Law on Social and Family Services: "In order for municipalities or organizations providing social and family services on their behalf to be able to perform these functions, [the Ministry of Labor and Social Welfare] will allocate annual funds for this purpose with a public announcement for the purchase of services." Historically, service providers in Kosovo, particularly Centers for Social Work and shelters, have lacked sufficient budget allocation to carry out their legal responsibilities, especially for human resources, vehicles, and adequate space.

This has been highlighted over the years as a challenge, including in the European Commission's Report on Kosovo, including the one from 2022. Currently, the Kosovo government is in the process of approving two draft laws that could help harmonize with the Istanbul Convention: The Draft Law on Social and Family Services and the Draft Law on Social Housing. However, towards more substantial harmonization, the Kosovo government should be based on a well-informed analysis of the needs of social service providers, and such needs should be reflected in budget increases, within the framework of the Law on the Budget. These changes should also be reflected further in the planned amendments to the Law on Local Government Finance.

Furthermore, the 2022 report on the monitoring of the implementation of the Istanbul Convention in Kosovo (GREVIO), called for authorities to: "increase resources dedicated to social programs that facilitate the recovery and socio-economic autonomy of women victims of all forms of violence covered by the Istanbul Convention, in particular social housing schemes, assistance in education and training and in finding employment; ensure that Social Work Centers throughout Kosovo are provided with adequate human and financial resources to effectively carry out their duties, taking into account the appointment of specialized social workers for violence against women; to promote the training of social workers on the gendered nature of violence against women, the harmful impact of witnessing violence on children, and the consideration of a history of domestic violence during reconciliation procedures and decisions about child custody."

Shelters (Article 23)

Article 23 of the Istanbul Convention stipulates that parties shall take all necessary legislative or other measures to provide for the setting up of appropriate, easily accessible shelters in sufficient numbers that offer safe accommodation and can actively respond to the needs of victims, particularly women and children.




In Kosovo, there are currently eight licensed shelters managed by NGOs providing support for women victims of domestic violence and their children in Kosovo, which operate around the clock and offer free of charge and emergency shelter. As highlighted in the Council of Europe's report on the evaluation of policies and legislation regarding violence against women and domestic violence in Kosovo, it should be noted that the Istanbul Convention calls for shelters in a "sufficient number," referring to standards from the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence's Final Activity Report, which recommended one family place per 10,000 residents. According to this standard, additional shelter places are necessary.

Until 2022, shelters have been contracted and financed by the Department of Social Welfare at the Ministry of Labour and Social Welfare. However, with the recent changes in responsibilities over social services, shelters will now fall under the responsibility of the Ministry of Justice, under which a department of social services and policies is expected to be established. In relation to this, the Ministry of Justice is drafting supporting secondary legislation.

However, the lack of sufficient funds makes it difficult to provide adequate specialized services. Furthermore, it hinders the provision of further support to victims towards their reintegration into society, assistance in accessing employment and the labor market, long-term and sustainable housing. All these elements would prevent the return of victims to violent environments if there were material conditions for supporting victims within the framework of integrated services from shelters.

Some shelters have taken actions to promote women's employment, access to children's nutrition or to pay their rent once they have left the shelter, but such measures are based on very limited funding and the initiative of their staff.




Such measures are insufficient, hence the legal framework in Kosovo, including the Budget Law, should reflect the needs of the shelters, as required by the Istanbul Convention, and their funding should be procedurally facilitated, within the framework of the Law on Local Government Finance, the Law on Gender-Based Violence Protection, the Strategy for Protection from Domestic Violence and Violence against Women, and other coordinating policies. Such a measure is also required by the latest report on the implementation of the Istanbul Convention in Kosovo (GREVIO), respectively: "The authorities are urgently recommended to increase the stability and level of funding given to specialized NGOs to correct gaps in the provision of specialized supportive services, especially shelters for victims of violence against women, considering replacing the annual tender procedure with a sustainable multi-year funding scheme."

Support for Victims of Sexual Violence

Article 25 of the Istanbul Convention requires the parties to take all necessary legal or other measures to create rape and sexual violence centers dedicated to victims, which must be suitable, easily accessible, and in sufficient numbers to provide decent medical services and forensic examinations, support for the trauma suffered, and psychological counseling for victims.

The Explanatory Report, in paragraph 142, recommends that such a center should be available for every 200,000 inhabitants and that their geographical spread should be such that these centers are accessible to victims/survivors in rural areas just as they are for those in cities. Also, the Istanbul Convention recommends that wherever possible, services in support of victims/survivors of violence be offered at one point, of course respecting the respective standards for each service.

Currently, there are no referral centers for crises from rape or sexual violence in Kosovo that offer comprehensive and tailored support for victims of sexual violence. The Institute of Forensic



Medicine in Prishtina is the only institution responsible for the medico-legal examinations of victims of sexual violence.

The current Law on Protection from Domestic Violence does not foresee Crisis Treatment Centers for Rape Cases or Sexual Violence Referral Centers.

However, in November 2022, the government of Kosovo approved the State Protocol for the Treatment of Sexual Violence Cases in the Republic of Kosovo, which provides, among other things, the application of a coordinated multi-sectoral approach of the responsible institutions for the treatment of sexual violence cases, along with the establishment of Sexual Assault Response Teams (SART).

According to the State Protocol for the Treatment of Sexual Violence Cases, a SART team in its composition could be organized at the core team level, where necessary institutions are necessarily included, which must intervene immediately for the treatment and management of the case (such as: police, prosecutor, victim's advocate, forensic doctor, health professionals, Social Work Center, shelters, and dedicated centers for the treatment of sexual violence cases such as Sexual Violence Referral Centers or Rape Crisis Treatment Centers); A further challenge, apart from the proper legal regulation of Sexual Violence Referral Centers or Rape Crisis Treatment Centers and the allocation of sufficient financial means for the implementation of the State Protocol for the Treatment of Sexual Violence Cases and the establishment of these centers as provided in the Istanbul Convention.


Given that the Government of Kosovo is currently drafting a new Law on Gender-Based Violence, specifically to harmonize it with the Istanbul Convention, this law should take into account and prioritize the establishment of Rape Crisis Treatment Centers and Sexual Violence Referral Centers, as required in the Istanbul Convention, specifying exactly the roles and responsibilities of the actors

responsible for the proper functioning of these centers, and further, properly regulating the aspect of sustainable financing and expertise and professionalism.

We remind you that such a thing has also been requested by the latest report of the Council of Europe, on the implementation of the Istanbul Convention in Kosovo (GREVIO): "Authorities are urgently recommended to establish suitable and easily accessible rape crisis or sexual violence referral centres offering immediate, short- and long-term specialist support provided by trained professionals. Such centres should ensure a sensitive response from trained specialists and respect the principle of informed consent of the victim and control over her decisions regarding examinations and medical/forensic reporting. Also, authorities are urgently recommended to develop specific medical protocols for supporting victims of sexual violence and ensuring the conduct of forensic examinations and the preservation of samples, regardless of whether sexual violence has been reported to the police or not."

Recommendations for Harmonizing the Legal Framework for Protection from Domestic Violence with the Istanbul Convention

- The upcoming Law on Protection from Domestic Violence should include all definitions of gender-based violence, in relation to the definitions in the Istanbul Convention.
- A specific line for victims of gender-based violence (SOS hot-line) should be integrated into legislation for protection from domestic violence and violence against women, providing appropriate funding for this line in a clear budget line, professionalism, responsibility, and specification of qualifications for those who will be responsible for providing such a service.
- To achieve full implementation of the Istanbul Convention in Kosovo, the Government of Kosovo needs to allocate sufficient budget for drafting, implementing, monitoring all programs,




strategies, and the legal framework for protection from domestic violence and gender-based violence, focusing on shelters and social work centers, as the main actors in providing rehabilitative and reintegrative services.

- In the process of approving the two draft laws that could help towards harmonization with the Istanbul Convention: the Draft Law on Social and Family Services and the Draft Law on social housing, the Government of Kosovo should be based on a well-informed analysis of the needs of social service providers, and reflect such needs in budget increases, under the Law on the Budget. These changes should also be reflected in the planned amendments to the Law on Local Government Finance. Such an approach directly contributes to the harmonization of the Legal Framework with the requirements of the Istanbul Convention.

- Furthermore, sufficient budget should be allocated for service providers, health services and social services and employ, train professionals who assist victims and refer them to appropriate services. The legal framework in Kosovo, including the Law on the Budget, should reflect the needs of the shelters, as required by the Istanbul Convention, and their financing should be procedurally facilitated, under the Law on Local Government Finance, Law on Gender-Based Violence Protection, Strategy for Protection from Domestic Violence and Violence against women, and other coordinating policies.


- During the drafting and approval process of the new law on protection from gender-based violence, aimed at harmonizing with the Istanbul Convention, the establishment of Crisis Treatment Centers for Cases of Rape and Sexual Violence Referral Centers should be considered and prioritized, as required in the Istanbul Convention, precisely specifying the roles, responsibilities of the actors responsible for the proper functioning of these centers, and further, properly regulating the aspect of sustainable financing and expertise and professionalism. Such an approach is also in line with the State Protocol for the Treatment of Sexual Violence Cases.

- Ensure that the government, relevant Ministries, and institutional actors take all legislative measures, or other measures, to ensure



full access for victims to services that facilitate their recovery from the violence suffered. These measures, according to the Istanbul Convention, may include services such as: legal and psychosocial counseling, financial support, social housing, education, training, and employment assistance.

- Ensure that the authorities are making the necessary efforts to address all the recommendations issued for the competent institutions involved in addressing or treating gender-based violence, issued by the Council of Europe's report on the implementation of the Istanbul Convention in Kosovo, respectively, towards the assessment and approximation of Kosovo's laws, policies, and other measures with the standards of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.




Recommendations

For the Kosovo Police - Further trainings should be organized to raise awareness of all forms of violence that are criminalized in the Kosovo Penal Code, according to the Istanbul Convention. The Ministry of Internal Affairs should plan sufficient resources for the education and training of police officers to ensure that the victim-sensitive approach is implemented continuously and effectively. Ongoing training for the police of the Units for Investigation of Domestic Violence (UIDV) is essential to ensure that they are able to handle cases of gender-based violence effectively. This may include training on changes in laws, communication skills with victims, more accurate risk assessment, non-blaming of the victim, and ways to identify cases of violence.

The police must take steps to increase cooperation between security forces, courts, prosecutors in detecting and prosecuting acts of violence. The implementation of Standard Operating Procedures (SOPs) should be monitored and evaluated to ensure they are effective and respected in every case. Awareness campaigns should be undertaken to raise public awareness of the work of NJHDHF and how to report gender-based violence. This can assist in identifying and reporting cases of violence. These campaigns should be designed targeting victims of gender-based violence.


The Ministry of Interior should identify the necessary financial resources for the installation of friendly rooms, in accordance with the requirements of the Istanbul Convention. The Kosovo Police must develop a monitoring and evaluation system to assess the effectiveness of the friendly rooms and to identify ways to improve them.



At the time of allocating sufficient funds to improve infrastructure related to the implementation of the Law on Electronic Monitoring, the Kosovo Police must take concrete steps in implementing this law, monitoring the implementation or violations of protective orders.

For the Institute of Forensic Medicine - Specialized services for victims of sexual violence need to be established or expanded. IFM should seek and advocate for psychological and gynecological consultations to be included within this institution. It is important to continue improving interview procedures for victims of sexual violence. This includes ensuring that the number of interviews is minimized as much as possible, and that the interviews are protective and respect the emotional and psychological integrity of the victim. Ongoing training for IFM staff, including current legislation and how to apply it in practice. Ensure the proper implementation and functioning of Standard Operating Procedures related to the handling of sexual violence cases at the Institute of Forensic Medicine. Follow a continuous strategy for organizing campaigns that sensitize the public, with the aim of increasing their knowledge about the methods and appropriate time to report sexual violence. It is important to raise awareness and educate the public about changes in legislation and the way institutions handle cases of sexual violence. This can help create a more supportive environment for victims and may assist in increasing the reporting of sexual violence cases.

For Social Work Centers - A sufficient budget should be planned to address the gaps in SWCs in case management, both in terms of infrastructure and human resources. SWCs should cooperate with the Ministry of Justice, the Ministry of Finance, Labor and Transfers in relation to the accurate calculation of this budget, based on a needs analysis. The work of case managers in relation to the protection of children in cases of domestic violence and the determination of custody, including visitation rights, should be monitored; and the tendency of managers to reconcile couples or to



consider only the economic interest of children, not also the psychic - towards avoiding recidivism.

For the Prosecution - Ensure that all municipalities have at least one prosecutor specialized in cases of gender-based violence available. The Prosecutorial Council of Kosovo should train prosecutors for a more effective and sensitive approach to gender- based violence, and specifically train them on the accurate investigation of the criminal offense of domestic violence by the Prosecutorial Office of Kosovo, along with relevant additional charges.

For Victim Advocates - Victim advocates should seek ongoing funding to improve the necessary infrastructure for addressing cases of gender-based violence and ensure sufficient human resources to cover the level of gender-based violence cases. This may include modifying dedicated rooms within the prosecution office that victim advocates can use to consult with gender-based violence victims while maintaining confidentiality. Budget allocation should be requested to increase the number of trained staff members to handle gender-based violence cases within Victim Advocacy Services. Inter-institutional cooperation should be enhanced. Improving cooperation and coordination between Victim Advocacy Services and other justice institutions will help facilitate more effective treatment of gender-based violence cases. This will ensure that information is shared and utilized efficiently, allowing for a coordinated response. Training should be intensified for the implementation of the State Protocol for the Treatment of Sexual Violence Cases. Training should be intensified, focusing on victim- centered approaches. It is essential for victim advocates to have the necessary skills to effectively and sensitively meet the needs of gender-based violence victims. Training on the Istanbul Convention and all forms of gender-based violence should be intensified. Ongoing training and information on the Istanbul Convention and various forms of gender-based violence are crucial for their treatment.

For the Judicial Council and Courts - The Judicial Academy and the Judicial Council should organize training sessions for judges on the implementation of the Istanbul Convention in judicial practice. It is crucial for judges to have comprehensive and updated knowledge of the convention and its obligations to ensure effective implementation. In-depth and ongoing training should be provided to judges on various forms of sexual violence. Training should be organized for judges and court personnel regarding the consequences and risks of domestic violence, as well as the need for a stricter punitive approach. This should focus on the risk of reoffending and the potential danger to victims. Efforts to reduce the duration of domestic violence cases should continue. Despite visible improvements, it is essential that victims of domestic violence receive timely justice. Ensuring that the high priority given to handling domestic violence cases does not compromise the quality of case processing is crucial. If there are capacity or resource constraints, they should be addressed to ensure that every case is handled fairly and efficiently. Sensitization of judges to the importance of qualifying offenses as "domestic violence" when appropriate should be improved to ensure that victims receive appropriate justice and protection. Measures should be taken to prohibit family conciliation practices in cases of domestic violence. Protection orders should be reviewed and ensured to be comprehensive and victim-centered, providing proper protection and security measures for victims. The impact of suspended sentences and effective imprisonment on the prevention and reduction of domestic violence cases should be evaluated. This may involve studies on the effectiveness of such penalties and ongoing assessments of their effects.

For the Ministry of Justice:

The secondary legislation that specifies the responsibilities of the Ministry of Justice and the Division for Social Policies within the Ministry regarding the treatment of gender-based violence at the national level should be approved as soon as possible.


A more accurate budget planning should be considered to provide assistance and support to victims of gender-based violence. These funds can be directed towards reintegration programs and increasing resources and services for these victims.

The possibility of reforming the current legislation should be examined to ensure that it addresses the needs of victims of gender-based violence, helps prevent forms of gender-based violence, and is in line with the Istanbul Convention. In this regard, the Law on Protection from Violence against Women and Domestic Violence should be approved as soon as possible. Investment should be made in providing more social and psychological services, as well as creating a safer and more supportive environment for the victims.

Funding should be planned for the establishment of a Reference Center for Victims of Sexual Violence in Kosovo, in accordance with the Istanbul Convention and the State Protocol for the treatment of victims of sexual violence. This center can improve the sensitivity and effectiveness of the treatment of sexual violence victims.

After the establishment of the Center, the Ministry of Finance, in collaboration with the Ministry of Justice, should ensure sufficient funding and resources for its operations. This may include specialized staff, appropriate infrastructure, and technological resources.

The Ministry of Justice should support the work of the Institute of Forensic Medicine in creating a safe environment for victims of sexual violence and the collection of evidence. This may involve additional funding, training, and resources. At the policy and decision-making level, there should be a deeper discussion on the



impact of financial constraints on the implementation of the Istanbul Convention. This will help identify ways to improve funding and encourage full compliance with the convention's standards.

Necessary infrastructure should be established, and an adequate budget should be allocated for the implementation of the Law on Electronic Monitoring. Efforts should be intensified to invest more prominently in electronic monitoring technology. Procedures for electronic monitoring, such as "ankle bracelets," should be expedited to ensure effective implementation of protective orders.

For the Department of Social and Family Policies - Division of Social Services, in collaboration with the Vocational Training Center and the Ministry of Labor, Finance, and Transfers, a new mediation and support program should be created for the employment of gender-based violence victims. This program can help improve financial stability and economic prospects for vulnerable women and families. It may include skills training, assistance in job search, and support in establishing small businesses.

Awareness campaigns should be organized to educate children about the consequences of domestic violence, in close collaboration with the Ministry of Education, Science, Technology, and Innovation and education directorates in municipalities. This may involve informative campaigns in media outlets and schools.

The Division of Social Services should continue its work and expand its activities by improving services for children who are witnesses of domestic violence. This may include improving access to psychosocial support and counseling, as well as allocating sufficient funds for the treatment of children within domestic violence shelters.

Officials of the Division of Social Services should undergo continuous training to understand and address the effects of domestic violence on children, specifically focusing on harmonizing



their approach with the requirements of the Istanbul Convention.

The Division of Social Services should propose funding to improve the infrastructure within the institution, including physical spaces, necessary technology, and enhancement of human resources.

The Division of Social Services should continuously assess the effectiveness of their services and work towards necessary improvements. This may involve changes in the way services are provided, expansion of services offered, or changes in case management practices within this division.

For the Agency for Free Legal Aid, it is essential that representatives of this institution are informed about the recommendations of the GREVIO Committee and implement those recommendations.

The Agency for Free Legal Aid should ensure that all victims of domestic violence have access to the services provided by this institution. This may include providing clear and accessible information about these services and working to remove barriers that may hinder access.

The Agency for Free Legal Aid should work to increase awareness and information among citizens about the services they offer. This can be achieved through informational campaigns, publications, and training.

The Agency for Free Legal Aid should continuously assess the effectiveness and quality of the services they provide, focusing on taking actions for improvement when necessary.

For the Ministry of Health, it is important to request the allocation of more funds for programs and health care services addressing gender-based violence. Increasing funds for programs and health care services related to gender-based violence will help provide



more support for victims and improve healthcare capacity.

Continuous training and education should be organized for healthcare staff on gender-based violence and effective ways to address victims of violence.

Updating and expanding the Health Information System (HIS): The HIS should be updated and expanded to include all healthcare institutions. This would enable the collection of accurate and comprehensive data on treatment.


Healthcare professionals should be trained in data collection and reporting related to gender-based violence. Trainings by local and international experts should be conducted to enhance the knowledge of healthcare staff on the Istanbul Convention. Ongoing training in the field of gender-sensitive approach to working with survivors of violence, especially in relation to the acceptance and treatment of victims of sexual violence.

The Ministry of Health should develop a specific protocol for the health care treatment of gender-based violence victims.

For the Ministry of Education, Science, Technology, and Innovation, it is important to include more gender-focused teaching materials that address gender equality issues.

Teaching staff should be trained on gender equality issues, harmful gender roles and stereotypes, power and masculinity relations, integrating them into the curriculum.

Review of textbooks and other learning materials: A thorough review of textbooks and other learning materials is necessary to ensure they represent gender equality and do not reinforce gender stereotypes.



After implementing changes in the curriculum, it is important to conduct an evaluation to monitor the impact of these changes and make necessary adjustments based on the results.

Training for teachers on the reporting module should be conducted. This will ensure that all teachers have the necessary knowledge to identify and report cases of violence in schools.

MASHTI should improve data collection on school dropout cases, including gender-disaggregated information. This will help identify patterns and the impact of violence in the family on girls and boys in different ways, and provide a strong basis for future policies and actions.


The referral system for cases of family violence and abuse should be further improved and strengthened, with a particular focus on school dropout cases related to these incidents.

Students in schools should be educated about family violence and abuse, informed about their rights, and made aware of available support services. This should be included as part of the curriculum and developed in a manner that is age-appropriate and sensitive to gender.

Parents and the wider community should be involved in initiatives to prevent and combat family violence and abuse. They should be informed and educated about these issues and their role in protecting children.

For Municipalities:

The effectiveness and impact of Municipal Units for Gender Equality and Domestic Violence (MUGEDV) should be evaluated. Monitoring should include data analysis, performance assessment, as well as identifying potential challenges and issues.



MUGEDV needs to be empowered and equipped with the necessary resources. This may include financial support, as well as support at the policy and decision-making levels.

Training sessions should be organized for MUGEDV on the Istanbul Convention and relevant legislation.

MUGEDV should engage in continuous capacity-building training to ensure they are up-to-date with the latest developments and best practices in the field of domestic violence.

Training should be organized for MUGEDV on gender-sensitive approaches.

Municipalities can collaborate with various civil society organizations, educational institutions, and other groups to support awareness campaigns and other activities aimed at preventing domestic violence.

Municipalities should commit to providing social housing for gender-based violence victims to live independently.

For the Ombudsperson:

Continue supporting gender-based violence victims, including representing cases of institutional negligence in the Constitutional Court.

Continue monitoring the implementation of laws within the framework of human rights conventions, contributing to the improvement of the social context.

Independently monitor the work of judicial and investigative institutions, offering concrete recommendations in AP reports to improve their approach to gender-based violence victims.



For Shelters:

Organize training for shelter staff to address the specific needs of those seeking shelter. This may include training on emotional support, how to deal with family violence victims, and cultural and gender sensitivity.

Ensure ongoing psychological monitoring and consultation for all staff members providing services in shelters, conducted by qualified experts, to prevent burnout or professional fatigue.

Provide dedicated training that emphasizes a feminist perspective aimed at helping and empowering individuals who have experienced gender-based violence.

Continue to inform relevant institutions about the needs of gender-based violence victims, including periodically drafting reports or assessments of victims' needs, and advocating for sufficient budget allocation in proportion to these identified needs.

