



GROUP FOR LEGAL
AND POLITICAL
STUDIES



USAID
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OD AMERIČKOG NARODA

Manual

on legal mechanisms for
reporting gender-based violence
and access to free legal aid

Gender based violence is a widespread phenomenon in Kosovo

Gender-based violence is violence directed against a person because of their gender. Both women and men experience gender-based violence but the majority of victims are women and girls. This form of violence among others is an issue around different countries. However, in Kosovo, gender-based violence is mostly widespread in form of domestic violence.



Why violence against women and girls should be fought?

- Strengthens gender and social equality;
- It encourages social and economic development;
- Prevents other forms of discrimination, including discrimination based on disability, age, race, sexual orientation, etc;
- Supports women's equal access to education, job opportunities, better incomes;
- Improves the well-being of society at large;

1,700

New cases of domestic violence have been registered in 2019



During 2018, 9,985 babies were born, of which

65

from mothers of non-adulthood.

In Kosovo there are about

80



early marriages - under the age of 16.

In the last ten decades in Kosovo

34

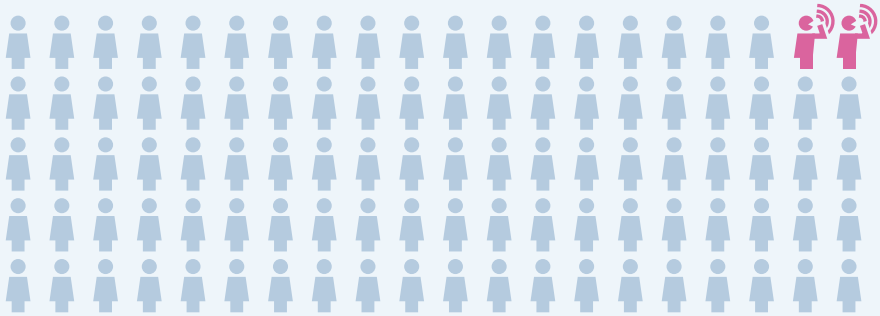
women and girls have been murdered by their husbands, fathers, sons or cousins.

59%

of sexual victims are aged 11 to 16 years

2%

of women reported violence perpetrated by their current partner in the Kosovo Police.



Reporting domestic violence to the police:



In 2018, 442 cases were reported in Prishtina, 251 in Prizren, 211 in Gjilan. A study conducted by GLPS and partners finds that during the 2017, there were a total of 1,299 cases of domestic violence reported to the Kosovo Police, making domestic violence the most prevalent form of gender-based violence reported in Kosovo. Out of the total, 76.21% of cases reported are by women of different ages with the remaining cases reported by men.

How Kosovo's legal framework defines gender-based violence, and which are the defense mechanisms it offers?

Republic of Kosovo has implemented various laws and other legislative mechanisms in order to tackle gender-based violence, and offer protection to the victims of this kind of violence. Some of the legal mechanisms are explained below:

Law on Gender Equality 'shall guarantee and promote equality between genders as a basic value of democratic development of society.'

Article 3.1.12 – Sexual Harassment – Shall mean any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Article 3.1.18 – Violence on the grounds of gender – shall mean acts of violence that result in or are likely to result in, physical, social or economic harm or suffering on the grounds of gender, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 4.2 – Gender based violence is a form of discrimination that seriously inhibits women's and men's ability to enjoy rights and freedoms on a basis of equality and is prohibited.

Law on Protection Against Domestic Violence - This law aims to prevent domestic violence, in all its forms, through appropriate legal measures of the family members, that are victims of the domestic violence, by paying special attention to the children, elders and disabled persons.

Article 2.1.2 – Domestic Violence – one or more intentional acts or omissions when committed by a person against another person with whom he or she has been in domestic relationship.

Article 2.1.3 – Protected Party – A person subjected to domestic violence and his/her subordinate for whose benefit a protection order, an emergency **protection order** or temporary emergency order is sought.

Criminal Code of the Republic of Kosovo (Article 248) – Domestic 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 fine and imprisonment of up to three (3) years.

Where can you report gender- based violence and other forms of violence? What are the mechanisms at place?

- Policia e Kosovës
- Inspektorati i Policisë / Departamenti i Hetimeve
- Prokurori i Shtetit
- Qendra për Punë Sociale
- Gjykatat
- Agjencia për Ndihmë Juridike Falas – ANJF
- Institucioni i Avokatit të Popullit - IAP

Kosovo Police

In the most cases is the first contact for the victim of domestic and gender-based violence.

Usually police is called when a case of domestic violence has occurred recently or is unavoidable.

Therefore, the primary task of the police is to protect the victim and investigate the case. **Kosovo Police** as the first usual responders have an obligation to provide information to the victims, to instruct the victims throughout the process, and inform other stakeholders.

Kosovo Police is responsible under the Law on Protection against Domestic Violence to execute the *Protection Order and the Emergency Protection Order*, and enforce *Emergency Temporary Order*.



How can you contact the Kosovo police and report a case of violence



Phone: **192**



Free, anonymous and confidential line: **0800 19999**



Cases can also be reported in this email: info@kosovopolice.com

Cases can be reported by approaching personally to the police station.

For more information see the website of the Kosovo Police:


www.kosovopolice.com



Police inspectorate / Investigation Department

Police inspectorate/ investigation department has a special role in assisting the victims of domestic violence, gender-based violence. The role of this unit in assisting victims of domestic violence comes more into play when an act of domestic violence was committed by a Kosovo police officer. Therefore, this department will not have constant interaction with victims as much as other actors. However, members of this unit shall take the role of the policemen and provide information to the victims, assist them throughout the process, and inform other actors.

 How can you contact the police inspectorate in case of any form of violence

 'Blue Line' free of charge: **080003333**

 [**info.ipk@rks-gov.net**](mailto:info.ipk@rks-gov.net)

Also another way of contacting is through submitting a message in the website of the inspectorate at the contact us branch:

[**ipk.rks-gov.net/kontakti**](http://ipk.rks-gov.net/kontakti)

State Prosecutor

The interaction between the Prosecutor and the victim of gender-based violence usually comes to light in the subsequent reporting process. Prosecutors evaluate cases of domestic violence and violations of protective orders to determine if there is sufficient evidence to prosecute the perpetrator.

The prosecutor is obliged to inform the victim about the status of his/her case.

What are other mechanisms within the office of the Chief State Prosecutor that provide help for the victims?

Victims Advocacy and Assistance Office – Provides services for victims of crime during the legal procedures and representation of their interests in the Kosovo penal justice system. Victims` Advocacy and Assistance Office is an independent Office functioning within the Office of Chief State Prosecutor. VAAO is in charge of ensuring that VAAO policies are in accordance with policies of the Office of Chief State Prosecutor and Prosecutorial Council.

Within the Advocacy and Assistance Office is the **Assistance Operator Line**

Assistance Operator Line – ‘is a public and free of charge phone number, enabling victims and public a confidential mechanism for reporting different criminal abuses, informing victims and other persons on their rights, providing necessary information regarding existing services and contact numbers as well.’



State Prosecutor



Assistance Operator Line Number, **free of charge 24/7: 080011112**

For more information visit the website of Chief State Prosecutor:

www.psh-ks.net/sq/prokurori-i-shtetit



Shelters for victims of domestic violence

Shelters provide victims with a safe place to live after experiencing domestic violence. Victims may seek help from a shelter directly or they may be referred in shelters by another service provider. Shelters are temporary residences that provide not only protection for the victim but also assist the victim in the process of recovering from domestic violence and rehabilitating and reintegrating the victim into society.

Centers for Social Work

The Center for Social Work is a public institution of municipal level, competent for the protection of citizens in need of social and family services, in this context also the protection and provision of services for victims of domestic violence until reintegration of the victim. It also coordinates the activities with other stakeholders in the process of victim support. The Center for Social Work (CSW) assists victims of domestic violence when social services are needed, protection, rehabilitation and integration of victims into society. Every referred victim is assigned a case manager, who is an official appointed by the CSW to assist in identification and coordination of existing services.

Courts

Courts consider cases of domestic violence with priority. These cases are handled by the court in civil or criminal proceedings depending on the nature of the cases. In rare cases, courts are the first service providers to deal with victims of domestic and gender-based violence. Although the court does not initiate proceedings related to domestic violence cases, the court is not passive in its obligations towards domestic violence cases. Courts have the responsibility of dealing with parties and individuals who appear before them in an impartial, dignified and respectful manner, ensuring adequate protection for all parties involved in the proceedings.

Law on Protection against Domestic Violence enables victims to **seek protection orders for acts of domestic violence**. Protective orders are filed in the jurisdiction where the victim resides or residence and are issued pursuant to Article 3 of the Law on Protection from Domestic Violence.

To file a protection order victims can seek help from: Victims' Advocates, CSWs, Legal Aid Offices and various NGOs that provide such services. There is no need to pay court fees for such a claim and victims do not need to hire a lawyer.

A protection order is issued after a hearing and when:

- There is evidence to support a reasonable suspicion that the perpetrator may commit any act of domestic violence;
- Issuance of protection order is necessary to protect safety, health and well-being of the victim.

There are 3 types of Protective Orders, two of them issued by the court. The third order can be obtained outside the court's working hours.

Protection Order - Is an order issued by a court decision, providing protective measures for the victim. The duration of the protection order may not be longer than 12 months but may be extended for a maximum of 24 months.

Emergency Protection Order - Order issued temporarily by a court decision. The duration of the emergency protection order expires at the end of the hearing to confirm the emergency protection order.

Temporary Emergency Protection Order - Is an order issued out of court working hours by the Chief of the Kosovo Police Regional Unit against Domestic Violence. The duration of the temporary emergency order expires at the end of the following day during which the court is operating

Report the violence – Institutions that provide free legal aid and legal assistance

In reporting any form of violence it is important to know the role of various institutions. Therefore, various institutions in Kosovo provide legal help and expertise in dealing with various cases of violence.

Agency for Free Legal Aid – AFLA

Legal aid in Kosovo has been institutionalized in May 2006 with the establishment of the Agency for Free Legal Aid, which is the first and only of its kind in South-Eastern Europe. It offers and ensures equal access to justice for citizens of the Republic of Kosovo, thus affirming the readiness of Kosovo institutions in promotion, respect and protection of the principles of human rights and rule of law in Kosovo. According to the Constitution of the Republic of Kosovo, Article 31 (Right to Fair and Impartial Trial) “Free legal assistance shall be provided to those without sufficient financial means if such assistance is necessary to ensure effective access to justice”. However, there are certain rules in order to receive free legal aid from AFLA.



Free legal aid is provided to all individuals who fulfill the criteria's as follows:

- 1) Qualifying criteria;
- 2) Financial criteria;
- 3) Legal criteria

The free legal aid is provided when individuals: *Don't have any incomes; Live from social assistance; Are retired; Monthly incomes are less than the average in the country; Fulfill the financial criteria to benefit from free legal aid.*

AFLA offers these services:

- information and legal advices relating to legal procedures;
- compilation of paperwork and all other technical assistance related to completion of the case;
- representation in civil, administrative, minor offence and criminal procedure;
- protection and representation at the stage of criminal proceedings;
- information and legal advice on misdemeanor proceedings;
- Information, legal advice and assistance in mediation, arbitration proceedings as provided for by applicable laws.

The free legal aid is provided to beneficiaries:

- if you have problems from the family relation,
- if you have pending unsettled property-legal matters,
- if you have problems from the employment relation,
- if there is a party who has unfulfilled liabilities against you,
- if you have claims which shall be settled by the administrative bodies,
- if you shall initiate the court proceedings or somebody is initiating a court proceeding against you,
- if you are arrested or detained.

Where can you find the AFLA offices?

Prishtinë

Address: Rr. Zenel Salihu nr 30 – Prishtinë
Contact: **038/200 18 944; 38/200 18 941**

Prizren

Address: Objekti i Prokurorisë Themelore Prizren
Contact: **029/230 554; 029/230 554**

Pejë

Address: Rr. Bukuroshes nr. 8 Pejë
Contact: **039/423 698; 039/423 698**

Mitrovicë

Address: Sheshi Isa Boletini nr. 27, Mitrovicë
Contact: **028/534 477; 028/534 477**

Gjilan

Address: Objekti i Prokurorisë Themelore Gjilan
Contact: **0280/321 134; 0280/321 134**

For more information visit the website of AFLA:
anjf.rks-gov.net

Ombudsperson Institution - OI

“Ombudsperson Institution represents the 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 Kosovo as well as acts as a National Mechanism of prevention of torture and other cruel, inhuman and degrading treatments and punishments within all places where persons deprived of their liberty are placed, including police retention, pre-trial detention facilities, stay in health institutions, customs detention, immigration detention as well as all other facilities where suspicions on violation of human rights and fundamental freedoms may occur.”

- The Ombudsperson is an equality mechanism for promotion, monitoring and support of equal treatment on the bases protected by the Law on Gender Equality and the Law on Protection from Discrimination.
- The Ombudsperson is an independent institution and does not except any interference.
- The Ombudsperson conducts investigations, issues recommendations and publishes reports as well as advocates for human rights freedom.
- The Ombudsperson can initiate cases in the Constitutional Court in compliance with the Constitution and the Law on Constitutional Court.
- The Ombudsperson does not conduct investigations on the issues related to disputes between private persons.



You can report a case at the Ombudsperson Institution through a free call: **080015555**



Contact through official phone numbers:

+383 (0) 38 223 782; +383 (0) 38 223 783;
+383 (0) 38 223 784; +383 (0) 38 223 78;



info.oik@oik-rks.org

Main address: Ombudsperson Institution Str. "MIGJENI", no. 2110000
Pristina, KOSOVO

OI offices are located in: Prishtina, Prizren, Gjilan, Peja, Mitrovica South,
Mitrovica North, Ferizaj, Gjakova, Gracanica

For more information visit the website of OI:

www.oik-rks.org

More about your rights

- Learn more about your rights and the role of institutions at the platform:
E drejta jem: **edrejtajem.org/ballina**
- Report a violation at: Know Your Rights
knowyourrightskos.org/en/about



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