

Espresso.Insight

No. 08/2021

June 28, 2021

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the deserved attention in
the Kosovar institutional
agenda: Lessons learned
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IS DOMESTIC VIOLENCE HAVING THE DESERVED ATTENTION IN THE KOSOVAR INSTITUTIONAL AGENDA: LESSONS LEARNED AND THE WAY FORWARD

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2020 has been a difficult year in every aspect and data worldwide suggest that the restriction of movement and social life disruption has impacted directly on the increase of domestic violence cases. The situation is no different in Kosovo, during the past year 2000 cases of domestic violence were reported to the police compared to 1915 in 2019 and 1541 in 2018. Of course, this shows only reported cases while there is reasonable doubt to believe that many cases go unreported as unfortunately domestic violence is still considered a private matter to some or because the victims do not believe that their case will be treated seriously from the responsible institutions. As defined by law domestic violence includes 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. Although both women and men can be victims of violence data shows that women and children are predominantly affected by domestic violence. Such a serious phenomenon needs an immediate institutional coordinated response.

The purpose of this Espresso Insight is to briefly analyze whether domestic violence is having the deserved attention in the Kosovar institutional agenda and also to identify main lessons learned and the way forward.

How is the government currently addressing this issue?

Important pieces of legislation have paved the way for a better prevention and protection against domestic violence including the amendment of the Constitution, which allowed for the implementation of the Istanbul Convention in Kosovo, the 2019 revision in the Criminal Code that defined domestic violence as a criminal offence for the first time, the Package of Human Rights Laws adopted in 2015 including the Law on Gender Equality, the Law on Protection from Discrimination and the Law on Ombudsperson and the Law against Domestic Violence in 2010. In addition to legal regulation, Kosovo has developed national strategies and policies aiming at the elimination of domestic violence and violence against women. The most important documents are the National Program against Domestic Violence and Action Plan 2011-2014 and the successor Strategy 2016-2020 and the Standard Operating Procedure for Protection against Domestic Violence in Kosovo. Currently, the above-mentioned Strategy has expired and an evaluation process for it should start as soon as possible,

Compared to the Government Program 2021-2024 that refers once to domestic violence, promising to develop prevention and protection policies against it, but without offering any further details as to what prevention and protection policies is referring or aiming to the priorities list of the Ministry of Justice has a much more result-oriented approach. In this matter, the Ministry of Justice has identified two intervention areas: (i) funding of shelters for victims of domestic violence and (ii) recognition of domestic violence victims as a separate eligible category for free legal aid services. In order to achieve the first priority, the Ministry has foreseen to add the budgeted line for basic services of shelters as a regular line in the Kosovo budget and for the second priority an amendment to the current Law on Free Legal Aid is necessary. Despite the fact that Ministry of Finance, Labor and Transfers is the primary responsible institution to ensure the operating and quality of service of shelters for the domestic violence victim this has not been reflected in the priority list of this ministry. What we have seen until now is a plan for the new strategy on public finances but it's unclear if it will include financing of shelters or not.

The initiative of the Ministry of Justice to provide a regular budgeted line for basic service of the shelters for victims of domestic violence will not address the whole prevention-intervention-rehabilitation and reintegration cycle for victims, but it is indeed an important milestone in the institutional response against domestic violence.

Lessons Learned

The last evaluation conducted for a national strategy against domestic violence was in 2015. Unfortunately, findings of this evaluation remain accurate at the time we are discussing. Among others the evaluation revealed the following shortcoming in Kosovo's domestic violence prevention and intervention system: (i) weak implementation of existing legislation and standards, (ii) lack of sufficient co-ordination and information sharing among responsible institutions, (iii) lack of specialized services for victims, (iv) lack of supporting programs for victims, (v) lack of perpetrators program, (vi) financial unsustainability of services, including shelters, (vii) lack of systematic data collection by institutions involved (police, judiciary, health and social services and last but not least (viii) victim-blaming attitude.

The hardest lesson learned was in 2018, due to an extended delay in releasing the funds from then the Ministry of Labor and Social Welfare there was a three-month gap that shelters did not receive any funding. As a consequence, during these three months, the shelters in Peja and Mitrovica were forced to close down and eject residing victims.

The way forward

The Government should ensure that all laws are harmonized with the obligations in the Istanbul Convention. Specifically, to take necessary legislative or other measures to set up rehabilitation and reintegration programs for victims and perpetrators.

The Government and responsible line ministries to reflect their role and responsibilities against domestic violence through concrete prevention and protection policies presented and elaborated in the coming Government Working Plan.

The National Coordinator against Domestic Violence within its mandate and responsibilities to coordinate the inter-ministerial working group and to initiate the evaluation process for the expired National Program against Domestic Violence 2016-2020. This evaluation should serve as a sound basis for drafting of the successor national strategy against domestic violence.

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