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# Institutional treatment of domestic violence cases

JULY 2023 – JUNE 2024

November 2024



Grupi për Studime  
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Author:

Renata Bajrami

Contributors:

Dinore Xhemajli, Elza Tullari, Ilir  
Koçani, Erëblina Polloshka, Jetlira  
Sallteku.

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## Introduction

Domestic violence and gender-based violence in Kosovo continue to cause concern for society and institutions. This report, drawn up within the framework of the project “JUST REACT – Increasing Citizen Reaction for an Improved Access to Justice in Kosovo,” funded by the European Union, presents a comprehensive analysis on the institutional treatment of cases of domestic violence and gender based violence for the period July 2023 - June 2024. The report aims to assess the institutional approach to this phenomenon through structured chapters covering the reporting process, prosecution and trial of cases of violence, also proposing detailed recommendations for improving access to justice and protection of victims.

It is worth noting that in the European Commission (EC) Country Report, institutional efforts to deal with domestic violence and progress toward gender equality have shown improvements, especially in strengthening the legal framework. However, challenges remain in strengthening the implementation of this legislation and ensuring equal access for women to justice.<sup>1</sup> In line with the findings and recommendations of this report (presented in the following chapters), the EC report emphasizes the need for stronger interventions to improve institutional support for victims, which is consistent with our analysis in the following chapters.<sup>2</sup>

Initially, the report deals with the legal framework for dealing with cases of domestic violence, elaborating the main basis for the further handling of topics related to the institutional handling of cases of domestic violence.

This research report focuses on the three main institutional links in handling cases of domestic violence: the police, prosecution and the courts.

In the first chapter, the data provided by the Kosovo Police are analyzed, with an emphasis on the regional distribution of reported cases, the demographic distribution, the ratio between procedural parties and gender participation. In the second chapter, the performance of the Basic Prosecutor's Office is evaluated by analyzing the handling of criminal reports and the filing of indictments related to cases of domestic violence. The third chapter deals with the Basic Courts, a comprehensive analysis of the role of this institution is intended, including data from three perspectives: the monitoring of sessions by the monitors engaged by the Group for Legal and Political Studies, the analysis of the data provided from Kosovo Judicial Council (KJC), as well as analyzing a sample of judgments. For each institution, qualitative and quantitative data will be provided, thus providing a comprehensive approach in order to identify as many elements as possible and therefore the factors towards eventual bottlenecks that the system may have as a result of the ever greater challenges in this direction.

Acknowledging the importance of reporting domestic violence and gender-based violence, it is worth mentioning that the Group for Legal and Political Studies has launched the application “**Afër Teje**” (“**Near You**”) in 2019 through which it aims to be as close as possible to victims or even potential victims of domestic violence as well as gender-based violence. The Afër Teje application, in addition to listing the institutions responsible for providing assistance in terms of protecting the rights of these categories, the application also lists their locations,

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1 European Commission. Report on Kosovo, 2024, p.36., accessible at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10\\_en?filename=Kosovo Report 2024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en?filename=Kosovo%20Report%202024.pdf)

2 Ibid.



contact numbers, email addresses to which they can be addressed. Moreover, this application has a component that enables navigation from the location where the person who is a potential subject of violence is located to the nearest office, be it the Police, Free Legal Aid, Ombudsperson, Courts, etc. For the period July 2023 - June 2024, **1,008 active users** of the application were recorded, while there were more than 2000 users who have downloaded it on their mobile phones.

To further support victims, the platform includes an emergency call feature that allows victims to pre-select an emergency contact. Additionally, it offers the option to change the application icon on both Android and iOS platforms and simulate a fake call to help users avoid a situation that might escalate into a conflict.

## Methodology

The data for this report was obtained from three main sources: **official data from key institutions involved in handling cases of domestic violence**, respectively **Kosovo Police (KP), State Prosecutor (SP) and Kosovo Judicial Council (KJC)**; data collected through monitoring performed by the **JUST REACT team**; as well as data from judgments published by KJC. Data were collected and analyzed for the period from **1 July 2023 to 30 June 2024**.

The initial part of the data used in this report was collected from **official sources** within the justice system of Kosovo. This data includes statistics related to **reports, indictments and adjudicated cases** in relation to cases of domestic violence. This information was reviewed to assess trends and patterns over the specified time frame. It is worth noting that in accordance with the methodology of the European Commission for the Efficiency of Justice (CEPEJ), this report uses three of the main indicators of this methodology for evaluating the performance of the judicial and prosecutorial systems in Kosovo: **Clearance Rate, Case Turnover Ratio and Disposition Time**. Moreover, it is important to note that during the monitoring process, the Just React team has faced **difficulties due to the lack of a common database** between the prosecution and the courts, which would enable a comprehensive assessment of each case, from **the filing of the indictment to the final decision**.

Along with official data, **the JUST REACT team conducted monitoring activities** to achieve additional perception regarding the treatment of cases of domestic violence in Kosovo. The monitoring process included the analysis of **57 judgments** published by KJC, emphasizing **the average duration of judicial procedures at the regional level, the type of violence, the relations between the procedural parties as well as the analysis of the punitive policy**.

Another aspect of the monitoring process is the **systematic monitoring of court hearings** related to cases of domestic violence, for which **a focus group was organized with monitors engaged** to reveal their experiences. It is worth mentioning that the team carefully maintained the confidentiality of these procedures during essential data collection. This method enabled the team to gain a direct insight into the dynamics of the courtroom and the manner in which cases were handled.

## Current legal framework for protection from cases of domestic violence in Kosovo

Domestic violence is the most urgent issue within the Republic of Kosovo in the social aspect and not only. However, in the period July 2023 - June 2024, there is an increased focus on the institutional treatment of domestic violence in the direction of advancing the legal framework in this area.

Regarding the legal framework, the Republic of Kosovo has taken several actions to address this “pandemic,” with the aim of guaranteeing basic human rights and focusing on guaranteeing gender equality.

More specifically in the year **2023**, the legal framework for dealing with domestic violence and gender-based violence in Kosovo has undergone significant improvements, with the aim of harmonizing local legislation with international standards, especially with **the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention).

**Criminal Code of Kosovo** (hereinafter: The Code), in defining domestic violence, focuses primarily on the perpetrator’s intent to violate the victim’s dignity through **physical, psychological or economic violence**.<sup>3</sup> With this definition, the Code emphasizes the treatment of domestic violence as a crime that deserves direct punishment with fines and imprisonment, creating a clear basis for criminal liability in cases of domestic violence.<sup>4</sup> Whereas, the Istanbul Convention focuses on violence as a violation of human rights and a form of gender discrimination, especially against women.<sup>5</sup>

Addressing domestic violence within a comprehensive framework, the Convention includes not only traditional family relationships, but also those between former and current partners, making it clear that violence remains so regardless of whether perpetrators and victims share or have shared same flat.<sup>6</sup>

In this regard, **Law on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence** (hereinafter: the new law), approved in October 2023, replaced **Law no. 03/L-182 on Protection from Domestic Violence** (hereinafter: the old law), bringing innovation to new additional measures and increasing institutional responsibility. This law also clearly defines its scope by defining the obligation of public, private institutions, civil society and other professionals to provide assistance and protection to victims of domestic violence.<sup>7</sup>

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3 Code no. 06/L-074 Criminal Code of the Republic of Kosovo, Article 248, paragraph 1, accessible at: <https://gzk.rks-gov.net/OfficialGazetteDetail.aspx?GZID= 435>

4 Ibid.

5 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 3, accessible at: [CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence](https://www.coe.int/t/e/treaties/Convention_on_preventing_and_combating_violence_against_women_and_domestic_violence)

6 Ibid.

7 Comparative analysis between old and new legislation for protection from domestic violence and gender-based violence, Vlerë Avdiu (intern in the JUST React program), pg. 5. Accessible at: [Analiza-Ligjore-JUST-REACT.pdf](https://www.justreact.org/Analiza-Ligjore-JUST-REACT.pdf)

The new law defines specific duties and responsibilities for institutions such as:

- **Protection of Victims;**
- **Kosovo Police;**
- **Ministry of Social Welfare;**
- **Centers for Social Work** and other agencies.



**Protection order**



**Legal aid**



**Rehabilitation**



**Penalties for offenders**

With this law, the concept of domestic violence is expanded to include all acts of physical, sexual, psychological and economic violence that occur within a family relationship or household unit, but also the dimensions of control and dependence in family and intimate relationships. This means that violence does not only include physical acts, but also other elements of control that affect the independence and dignity of the victim, offering a broader and more advanced protection. In general, the full implementation of this law by law enforcement institutions is a key step to address not only individual cases of domestic violence, but also to fight the structural roots of gender-based violence in Kosovo society.

An important document due to the legal framework in Kosovo is the **National Strategy for Protection from Domestic Violence and Violence against Women 2022-2026** (hereinafter: Strategy).<sup>8</sup> The strategy is a document which aims to improve the protection of women and other individuals who experience domestic violence. This strategy defines specific objectives for strengthening protective and preventive measures, improving inter-institutional cooperation and immediate assistance to victims of violence.

One of the objectives of the strategy is the launch of the program for the treatment of perpetrators of violence against women, which until June 2024 was a pilot project for a period of 6 months in the Dubrava Correctional Center.<sup>9</sup>

Furthermore, during the year 2023 **Criminal Code and Criminal Procedure Code** of Kosovo have also undergone changes. Changes include **expanding definitions of violence** and **the provision of harsher penalties** for acts related to domestic violence and gender-based violence. These changes aim to improve the protection of victims and ensure efficient justice, including shorter deadlines for investigation and completion of trials.

More specifically, **Law no. 08/L-188, on amendment and supplementation of the Criminal Code no. 06/L-074 of the Republic of Kosovo**<sup>10</sup>, includes additional measures for persons

8 Ministry of Justice. National Strategy for Protection from Domestic Violence and Violence against Women 2022-2026. Accessible at: <https://md.rks-gov.net/desk/inc/media/9307CD0A-E63D-4DCE-A93C-39698DE65A2F.pdf>

9 Ministry of Justice. "The National Program for Perpetrators of Violence against Women is launched". Accessed on 28.10.2024. <https://md.rks-gov.net/page.aspx?id=1,15,3161>

10 Law no. 08/L-188 on the Amendment and Supplement to the Criminal Code no. 06/L-074 of the Republic of Kosovo, Article 2, 4 and 5, accessible at: [Gazeta Zyrtare e Republikës së Kosovës](https://gazeta.zyrtare.e-republikes.se-kosoves)

found guilty of criminal acts of rape and domestic violence. Some of the major amendments include:

- **Prohibition of benefits from public resources:** For a period of 3 to 10 years, convicted persons are prohibited from purchasing public property and assets, applying as a strategic investor and benefiting from public privileges.
- **Prohibition of candidacy and employment in the public sector:** The law prohibits running for public positions and employment in the public sector for those convicted of these crimes.
- **Deprivation of the right to be elected:** Any person convicted of rape and domestic violence loses the right to be elected to public positions for a period of 3 to 10 years.
- **Expansion of powers of courts:** Courts have the authority to ban employment in the public sector (1-5 years) and driving (1-5 years) for convicted persons who were driving at the time of the crime.<sup>11</sup>

Whereas, the Criminal Procedure Code of 2022 has been amended through **Law no. 08/L - 187 on Amendment of the Code no. 08/L-032 of the Criminal Procedure**.<sup>12</sup> The purpose of this supplementation-amendment is to accelerate the procedures for criminal acts of domestic violence:

- **Shortening investigation deadlines:** Investigations into these offenses must be completed within **one (1) year** from the date of initiation of the investigation. In complicated cases, the deadline can be extended for **six (6) months**.
- **Setting new deadlines for the completion of trials** as follows:
  - **Sixty (60) days** for cases handled by single trial judges.
  - **Ninety (90) days** for the cases handled by a trial panel.<sup>13</sup>

These amendments aim to ensure efficiency and prioritization of cases of gender-based violence and domestic violence, which is reflected in greater protection for victims. The success of these amendments depends on the capacity of the courts to meet these deadlines effectively.

**The domestic legal framework** regarding gender-based violence and domestic violence, it is as follows:

1. Criminal Code of the Republic of Kosovo No. 06/L-074;
2. Law no. 08/L-188 on the Amendment and Supplement to the Criminal Code no. 06/L-074 of the Republic of Kosovo; [41] Code no. 08/L-032 of Criminal Procedure
3. Law no. 08/L-187 on Amendment and Supplementation to the Criminal Procedure Code no. 08/L-032;

<sup>11</sup> Ibid.

<sup>12</sup> Law no. 08/L - 187 on Amendment of the Code no. 08/L-032 of Criminal Procedure, Article 2 and 3. Accessible at: [ActDocumentDetail.aspx \(rks-gov.net\)](#)

<sup>13</sup> Ibid.

4. Law no. 03/L-182 on Protection from Domestic Violence (repealed in October 2023 with the adoption of the new Law);
5. Law no. 08/L-185 on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence;
6. Law no. 05/L -003 on the Electronic Supervision of Persons whose Movement is Limited by Decision of the Court;
7. Law No. 05/L-020 on Gender Equality;
8. Law No. 05/L-021 Protection from Discrimination;
9. Law No. 05/L-036 On the Compensation of Crime Victims (repealed in November 2022 with the adoption of the new law);
10. Law no. 08/L-109 on Compensation of Crime Victims;
11. Standard Operating Procedures for the Office for Protection and Assistance to Victims (Prosecutor's Office);
12. Standard Operating Procedures for Protection from Domestic Violence in Kosovo (Agency for Gender Equality);
13. State Protocol for Handling Cases of Sexual Violence in Kosovo.

**Constitution of the Republic of Kosovo**, in **Article 22** has listed a total of **nine (9) directly applicable international instruments** as follows:

1. Universal Declaration on Human Rights;
2. European Convention on Protection of Human Rights and Fundamental Freedoms and its Protocols;
3. International Convention on Civil and Political Rights and its Protocols;
4. Framework Convention of the Council of Europe for the Protection of National Minorities;
5. Convention on the Elimination of All Forms of Racial Discrimination;
6. Convention on the Elimination of All Forms of Discrimination against Women;
7. Convention on the Rights of the Child;
8. Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment;
9. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).<sup>14</sup>

Eight of these listed instruments have been applicable in the Republic of Kosovo for more than two decades.<sup>15</sup> Whereas, the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is applicable since the adoption of amendment no. 26 of the Constitution of the Republic of Kosovo on

<sup>14</sup> Constitution of the Republic of Kosovo, Article 22 and Amendment no. 26, accessible at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

<sup>15</sup> Constitutional Framework for Provisional Self-Government in Kosovo, Chapter 3, accessible at: [FrameworkPocket\\_ALB\\_Dec2002.qxd \(kuvendikosoves.org\)](http://www.kuvendikosoves.org/ALB_Dec2002.qxd)

25 September 2020. It is worth noting that the Istanbul Convention provides that the parties must be active in taking clear and effective measures to protect women's rights and hold the perpetrators accountable.<sup>16</sup>

Based on the above data, the Republic of Kosovo has a fairly consolidated legal framework in the fight against domestic violence, especially after the recent enhancements over the past year, however there is still room for amendment. It is important to note that Law no. 05/L-003 on the Electronic Supervision of Persons whose Movement is Limited by Decision of the Court, which has been in force since 2015, due to the lack of adequate budgeting and planning, it has not been applied.<sup>17</sup>

In addition, the Republic of Kosovo must also address the issue of Online Gender-Based Violence because this issue is partially addressed, not containing special provisions for the unauthorized publication of personal data (doxing), cyberstalking and unauthorized distribution of personal images, with special emphasis on gender context.<sup>18</sup> Beyond this, Kosovo's institutions face significant limitations regarding this issue due to the lack of specialized training, technological tools and proper inter-institutional cooperation.<sup>19</sup>

The issue of femicide, which is not considered a separate criminal offense in Kosovo, also remains a challenge.<sup>20</sup> Gender-motivated murders are classified as serious murders, but the specific term "femicide" is not used in legal proceedings, and gender-based motives are often neglected in court proceedings.<sup>21</sup>

Therefore, the above-mentioned provisions, which for victims of domestic violence constitute the "lifeboat of sailing in troubled waters", remain to be interpreted, enhanced and implemented in the best possible way by the responsible institutions. This implementation should continue with a special emphasis on genuine cooperation, for the general good and for the eradication of this criminal phenomenon.

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16 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 5, paragraph 2, accessible at: [CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence](#)

17 Rina Kika, Thematic Analysis: The reaction of the State of Kosovo to Femicide: Criminalization and Other Measures, page 20. JUST React project. Accessible at: [link to be inserted]

18 Dorjeta Rukiqi, Thematic Analysis: Assessment of Institutional Capacities to Combat Online Gender-Based Violence in Kosovo, p. 9. JUST React project. Accessible at: [link to be inserted]

19 Ibidem, pg. 15.

20 Rina Kika, Thematic Analysis: The reaction of the State of Kosovo to Femicide: Criminalization and Other Measures, page 9. JUST React project. Accessible at: [link to be inserted]

21 Ibid.

# 1. REPORTING CASES OF DOMESTIC VIOLENCE TO THE KOSOVO POLICE

**Kosovo Police** serves as one of the central institutional links in preventing and combating acts of domestic violence and gender-based violence. Its role includes providing protection to victims, identifying perpetrators and ensuring criminal prosecution in accordance with applicable laws. However, the role of this institution is not only limited to quick response or providing emergency assistance, but also to the implementation of protection orders issued by the court as well as effective coordination with other responsible institutions.

As a starting point for the evaluation of the institutional treatment of cases of domestic violence and gender-based violence, the **performance evaluation** will be made for the Kosovo Police **for the period July 2023 - June 2024**. This chapter will examine the geographic distribution of reported cases, gender dynamics, family relationships between suspects and victims, and the age groups involved.

## 1.1 Regional distribution of cases reported to the Kosovo Police for domestic violence

During the period **July 2023 – June 2024**, a total of **2,856 cases were reported to the Kosovo Police** of domestic violence, representing an increase of **4.4% compared to the previous year**, when **2,735 cases had been reported**.<sup>22</sup> This increasing trend may be indicative of a wider spread of domestic violence across the country on the one hand, but also of greater awareness of reporting these cases on the other.

When assessing the number of absolute cases<sup>23</sup>, **Prishtina** represents the largest number of reports, with a total of **964 cases**. This result is expected, considering that Prishtina is the capital and the region with the largest population. However, in order to provide a more fair and standardized estimate that takes into account differences in the population size of the regions, the rate of cases per **10,000 inhabitants will be used**.<sup>24</sup> In this form, we will compare the incidence<sup>25</sup> of domestic violence in different regions more evenly. It is worth noting that last year Kosovo was in the process of population census, therefore, the data regarding the number of the population in the regions that are the object of this research, are preliminary data.<sup>26</sup>

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22 Institutional Treatment of Cases of Domestic Violence, July 2022 - June 2023, pg. 9, accessible at: [GLPS-Just-React-Annual-Report-Domestic-and-Gender-based-Violence-in-Kosovo.pdf](#)

23 Absolute cases include the total number of cases reported for a given period.

24 To estimate the rate of cases per 10,000 inhabitants, we first divide the total number of cases reported in a region by the total population of that region, and then multiply the result by 10,000. This method shows us how many cases occur for every 10,000 inhabitants and enables us to compare regions with different populations fairly and equally.

25 Incidence in legal and criminological contexts refers to the frequency of new cases of a specific type of crime, such as domestic violence, occurring within a given population over a specified period of time.

26 Preliminary data of the Population Census in Kosovo 2024, accessible at: [Te dhënat \(rks-gov.net\)](#)



**North Mitrovica** marks the highest incidence of cases of domestic violence for the period July 2023 - June 2024. With an extremely small number of population, with **2,346 inhabitants**, this municipality is characterized by an incidence of **281.33 cases** per 10,000 inhabitants, the highest compared to other regions. After Northern Mitrovica is the **region of Peja**, with a total of **43.80 cases** for 10,000 inhabitants. Peja has a population of **82,661 inhabitants** while for the reporting period there were **362 cases** reflecting an apparent spread of violence.

Prishtina with a population of **227,154 inhabitants** and with **964 cases** reported, also has a high incidence with **42.44 cases** for 10,000 inhabitants. Since Prishtina is the capital, this result, in addition to being an indicator of the large number of reported cases, can also be an indicator of increased awareness in this region. **Gjilan**, with **82,824 inhabitants** and with **318 cases** has an incidence of **38.37 cases** for 10,000 inhabitants. Although the population of this region is many times smaller than that of Prishtina, the difference in the incidence rate between them is **4.07 cases** per 10,000 inhabitants. Gjilan ranks right after Prishtina in terms of the number of cases of reporting domestic violence.

**South Mitrovica** characterized by a high absolute number given the population size which is **64,680** and **236 cases**, however, in terms of incidence, it is better than the previous 4 regions, with **36.49 cases** for 10,000 inhabitants. Also **Gjakova** with **36.29 cases** per 10,000 inhabitants has an incidence similar to South Mitrovica. Whereas, **Prizren** and **Ferizaj**, both with the same number of population are ranked immediately after Prishtina, are characterized by the lowest number of reported cases of domestic violence. Respectively, **25.50 cases** and **22.68 cases** for 10,000 inhabitants.

**Table 1.** Reporting of cases of domestic violence to the Kosovo Police in the period July 2023 - June 2024

Region	Number of reported cases	Population of the region	10,000 inhabitants rate
North Mitrovica	66	2346	281.33
Peja	362	82661	43.8
Prishtina	964	227154	42.44
Gjilani	318	82824	38.37
South Mitrovica	236	64680	36.49
Gjakova	196	54000	36.29
Prizreni	315	123000	25.5
Ferizaj	216	95000	22.68

According to these data, the phenomenon of domestic violence in Kosovo during the monitoring period shows an uneven spread between regions, where some areas show a significantly higher incidence. This data represents the first step in evaluating the institutional response to domestic violence cases. For a more comprehensive assessment, this report will also include the analysis of two other institutions, which constitute the key parts of the institutional chain for dealing with this phenomenon.

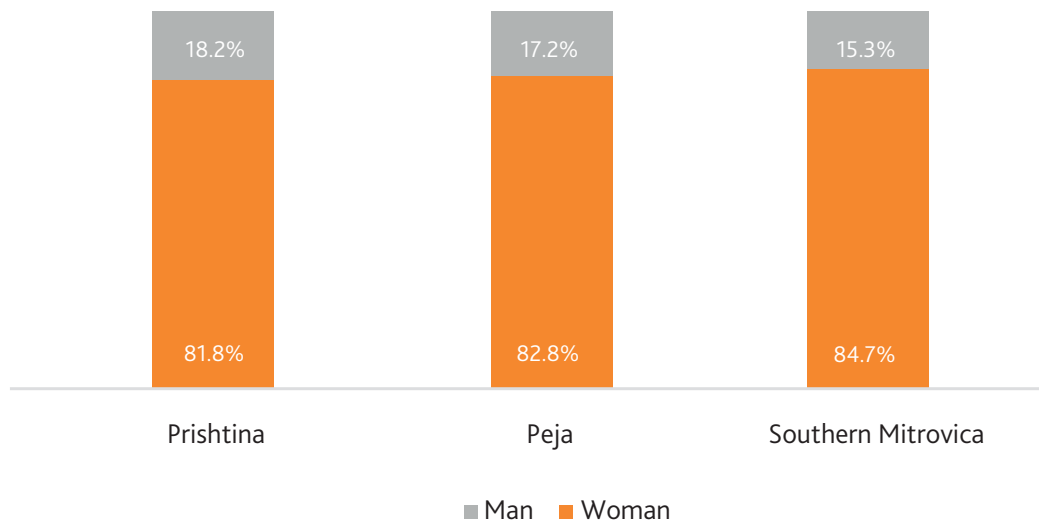
## 1.2. The gender aspect in cases of domestic violence

The data provided by the Kosovo Police for the period July 2023 - June 2024 clearly reflect the gender aspect of domestic violence, resulting in a rather large difference in terms of women and men victims. Of **2,856 cases** reported, **79%** of victims are women, while only **21%** are men. This phenomenon reflects not only the problem of domestic violence, but also gender inequalities and patriarchal roles in Kosovar society and beyond.

This can be proven through the standards that have been set by the most basic international norms of gender-based violence. According to the **Istanbul Convention**, violence against women is a violation of human rights and a form of gender-based discrimination.<sup>27</sup> This phenomenon includes physical, psychological, sexual and economic violence, and in Kosovo reflects the sensitive situation of women in family and social relations.

Based on the data provided in Prishtina, from **964 cases** reported, **81.8%** of the victims are women. While looking at other regions, **Peja** has a percentage of female victims of **82.8%**, **South Mitrovica** scores **84.7%**. **Ferizaj** and **Prizren**, although with lower percentages of overall reports, also reflect a high percentage of female victims, strengthening the conviction that violence against women, namely gender-based violence is more than evident in Kosovo. Domestic violence affects women disproportionately compared to men. This is also an indicator of the dominance of the patriarchal system in Kosovo, despite the fact that customary law is not a fundamental source of law.

**Grafiku 1.** The gender ratio between suspects, arrested persons and victims of domestic violence during the period July 2023 - June 2024



Of the **571 arrested**, **92.55 are men** while **7.5% are women**, and as for the **suspects**, **88% are men** and **12% are women**. The conclusion of these results is that the perpetrators of violence are mainly men, an indicator of the dominance of the patriarchal system in Kosovo.

<sup>27</sup> Convention for Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 1, accessible at: [Convention Albanian version \(coe.int\)](https://www.coe.int/t/e/treaties/Convention_albanian_version.aspx)

vo, despite the fact that customary law is not a fundamental source of law, for several decades. The epilogue of these data may have a solution in the recommendation of the Istanbul Convention, which emphasizes the need to take the necessary measures in order to promote changes in the social and cultural patterns of behavior of women and men in order to eradicate customs and other practices that are based on the idea of inferiority of women or even in stereotyped roles.<sup>28</sup>

It is worth noting that **the new law**, is based on **Istanbul Convention standards** and provides stronger mechanisms for protecting women and prosecuting perpetrators<sup>29</sup>. This law, among other things, emphasizes the importance of protective orders in dealing with cases of domestic violence. Therefore, in order to reflect the situation, from the provided data we found that for the monitoring period **a total of 28 people were arrested for non-compliance with the protection order**, which constitutes **4.9% of those arrested for cases of domestic violence**.

In addition to women as direct victims, also **children** are often **indirect victims**, as they often experience violence psychologically by witnessing it. This creates great consequences for their well-being, however, their proper handling by the responsible institutions remains a challenge. In this context, **National Strategy for Protection from Domestic Violence and Violence against Women 2022-2026** aims to raise public awareness and improve institutional support, including for children affected by this phenomenon.<sup>30</sup>

### 1.3. The role of family relations in the dynamics of domestic violence

The data provided by the Kosovo Police for the period July 2023 - June 2024 show a portrait of the dynamics of violence within family relationships. Of **2,856 cases** reported, **757** or about **26.5%** include spouses as perpetrators of violence. This number shows that the largest percentage of reported violence occurs in the context of marital relations, a fact already proven internationally where **violence against intimate partners is the most common form of gender-based violence**. According to the World Health Organization, about 1 in 3 women (30%) experience physical or sexual violence from an intimate partner during their lifetime.<sup>31</sup>

In addition to spouses, **27 cases** or about **0.9%** include parents as perpetrators of domestic violence, while **46 cases** or **1.6%** involve sibling violence. Cases involving children as perpetrators are rarer, with **15 cases** or **0.5%**. Meanwhile, the "other" category, which includes other family members or other persons related to the victim, includes **2,095 cases** or **73.3%**. So, despite the fact that there is a more pronounced trend of appearing in marital relationships, domestic violence is also present among other family members.

The data described above reflect a complex and disturbing reality, where victims of domestic violence are often closely related to the perpetrators, not only emotionally, but in certain cases also in terms of shared economic decisions and housing. This situation also results in reluc-

28 Ibid., Article 12.

29 Law no. 08/L-185 on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence (2023)

30 National Strategy for Protection from Domestic Violence and Violence against Women 2022-2026, pg. 5, accessible at: [ALB-Strategjia-Kombëtare-për-Mbrojtje-nga-Dhuna-në-Familje-dhe-Dhuna-ndaj-Grave-2022---2026.pdf](#)

31 [Violence against women \(who.int\)](#)

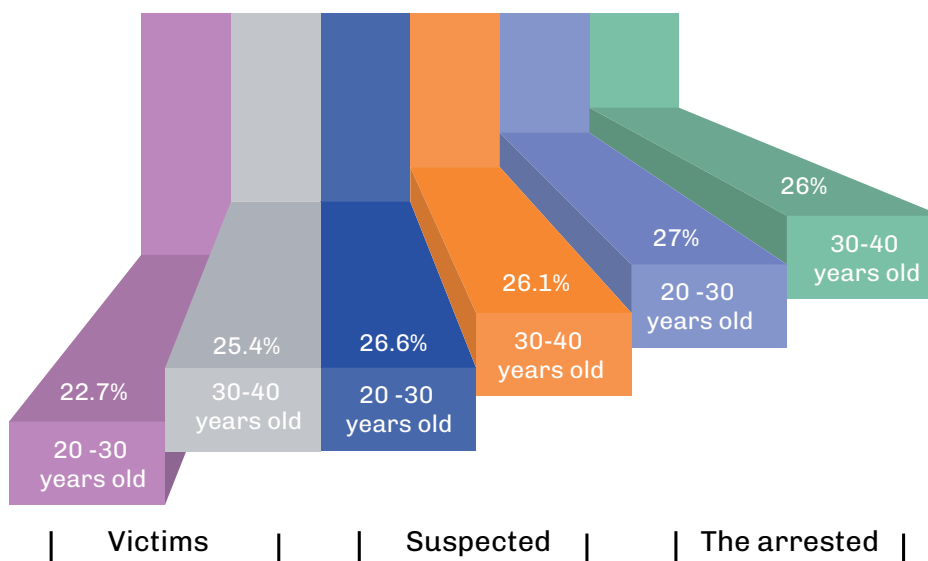
tance on the part of the victims of domestic violence for adequate solutions, by “amnestying” the perpetrators and on the other hand violating their basic rights. Therefore, the creation and operationalization of support programs for victims is not only necessary, but critical to ensure their protection and to effectively combat this painful phenomenon in our society. Consistent implementation of these measures will help in eradicating this criminal phenomenon.

## 1.4. Demographic analysis of victims and suspects of domestic violence

Among other things, this report will address the distribution of domestic violence by age group, including both victims and perpetrators. This data will identify the most affected groups as well as those who are most likely to be perpetrators of violence, serving as key clues to reach conclusions on the nature of the phenomenon and to support the design of effective policies and strategies in prevention and dealing with domestic violence.

For the period July 2023-June 2024, a total of **2,940 victims were registered** of domestic violence, divided by age as follows:

**Grafiku 2.** Overview of Age Groups for Victims, Suspects, and Arrested Individuals.



The most affected age groups for both victims and perpetrators are between **20-40 years old**, a period of life that is usually characterized by various personal, social and family challenges.<sup>32</sup> Victims and perpetrators in this age group make up the vast majority of domestic violence cases.

The largest group of **victims** is aged **30-40 years**, representing **25.4%** of the total, while victims between the ages **20-30 years** make up **22.7%**. Also data on **suspects** follow a similar

<sup>32</sup> Arnett, J.J., 2000, Emerging Adulthood: A Theory of Development from the Late Teens Through the Twenties

trend, with the age group **20-30 years old** which accounts for **26.6%** and the **30-40 age group** which accounts for **26.1%** of the suspects. While, as for the arrested, **27%** include the **30-40 age group** and **26%** age group of **20-30 years old**.

This data reflects the necessity of addressing the potential challenges that characterize these age groups, which, despite the specific circumstances of each case, may share some common characteristics.

## II. HANDLING OF DOMESTIC VIOLENCE CASES BY THE STATE PROSECUTOR

State Prosecutor (hereinafter: Prosecution) has a key role in addressing domestic violence in Kosovo, by investigating, indicting and prosecuting perpetrators. This chapter examines the performance of Basic Prosecutor's Offices during the period **July 2023 - June 2024**, analyzing the data of criminal reports and indictments for domestic violence. This analysis highlights the capabilities of the Prosecution to handle the high caseload, as well as the remaining challenges to improve institutional capacities and coherence in handling domestic violence cases. In this chapter, regional indicators for the distribution of indictments are also evaluated, providing a clear overview of the effectiveness of each region.

In our efforts to address the gender aspect of the involvement of accused and victims, it has been noticed that the Prosecution does not have relevant data. This underlines the need for inter-institutional cooperation in the creation of a common database, with the aim of defining unified indicators for handling cases of domestic violence and identifying the most important issues in this regard. A successful example is Spain, which has developed the "*Integral System for Monitoring Gender-Based Violence (VioGén)*", which collects data from the police, courts, prosecution and social institutions on gender-based violence.<sup>33</sup>

### 2.1 Criminal Reports and Indictments: Initiative for Justice and Protection

Criminal reports represent the main instrument in identifying cases of domestic violence and gender-based violence, because they form the basis for subsequent legal actions by the prosecution and the courts. With a focus on the weight of these criminal offenses, criminal reports have an important role in raising awareness of the society and institutions on the dimensions of this phenomenon, because this instrument is the first step that promotes the legal procedures of investigation and criminal prosecution against the authors of these crimes. Moreover, they provide security for victims because they can benefit from protective measures such as protection orders, assistance from social centers and psychological and legal support.

For the period **July 2023 – June 2024**, the State Prosecutor has reported a total of **2,815 criminal reports** for domestic violence received throughout the country, a figure that represents a fairly large number of reports.<sup>34</sup> However, for the period **July 2022 – June 2023**, the Prosecution has reported a total of **3169 criminal reports**<sup>35</sup> with a margin of **354 cases** less for this monitoring cycle, which for this criminal phenomenon is an almost negligible difference.

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33 European Commission. "VioGén 5.0: Uncovering the Risk Assessment System for Gender-Based Violence in Spain." [Viogen 5.0: discovering Spain's risk assessment system of gender-based violence | Interoperable Europe Portal](#). Accessed on 30.10.2024.

34 Data received by the Communications Office of the KPC, dated 31 July and 28 October 2024.

35 Institutional Treatment of Cases of Domestic Violence, July 2022 - June 2023, pg. 13, accessible at: [GLPS-Just-React-Annual-Report-Domestic-and-Gender-based-Violence-in-Kosovo.pdf](#)

For the reporting period, the Prosecution from **2,815 criminal reports** has filed **2,635 indictments** for criminal acts of domestic violence, thus reaching a high indictment rate of about **93.6%**. This proves that the Prosecution has reviewed all the data and evidence presented on the basis of the criminal reports, deciding to take further procedural steps in a large part of the cases.

### 2.1.1. Regional division of indictments for domestic violence

In addition to the ratio between criminal reports and indictments, the report also analyzes the regional report of the distribution of indictments for criminal acts of domestic violence across the regions of Kosovo. In order to provide a standardized assessment, the report uses the same methodology as in the chapter dealing with the regional distribution of reported cases of domestic violence in the Kosovo Police, calculating the rate of indictments per **10,000 inhabitants** in each region, depending on the population of each region.

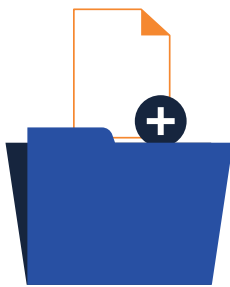
The **region of Peja** presents the highest incidence of indictments per 10,000 inhabitants with **79.62**, which is almost double the incidence of cases reported to the Police, 43.80 cases. Immediately after Peja, ranks the region of **Prishtina** which has a similar incidence between the Police and the Prosecution, with 42.44 cases reported to the Police and **41.47** indictments filed by Prosecution for 10,000 residents. This result reflects a higher coherence between reporting and prosecution. **Gjilan** with an incidence of 38.37 reported to the Police and **27.28** for indictments filed, shows a high rate of domestic violence reporting and relatively lower prosecution by the Prosecution. While **Mitrovica** has an incidence of **21.33** of indictments per 10,000 inhabitants, thus being evaluated at the average level of criminal prosecution for cases of domestic violence. It is worth noting that regarding the indictments, Mitrovica has not been assessed as divided into two areas (South and North), therefore the incidence has been assessed for 67,026 inhabitants. **Gjakova** has an incidence of reports to the Police of 36.29, while indictments **17.13**. This difference may be an indication of the potential challenges that this region may have in examining the evidence and facts provided through criminal reports, however it may also be an indication of the dismissal of criminal reports in the absence of evidence. **Prizren and Ferizaj** are presented as the regions with the lowest incidences both in terms of the Police and the Prosecution expressed in the indictments, which reflects a low level of reporting in these regions or even the best scenario that could be a low level of cases of domestic violence.

**Table 2.** Regional breakdown of indictments for domestic violence during the period July 2023 - June 2024

Region	Incidence of Indictments per 10,000 Residents	Number of Indictments	Population
Peja	79.62	658	82,661
Prishtina	41.47	942	227,154
Gjilani	27.28	226	82,824
Mitrovica	21.33	143	67,026
Prizreni	18.95	337	177,781
Gjakova	17.13	162	94,556
Ferizaj	15.38	167	108,610

## 2.2. Evaluation of the State Prosecutor's performance in cases of domestic violence: Efficiency and Challenges

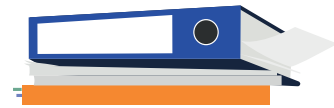
Part of this chapter is also the assessment of the performance of this institution for the monitoring period, through the data provided by the Statistics Office of the Kosovo Prosecutorial Council (KPC) as well as the interweaving of this data with the CEPEJ methodology.<sup>36</sup> CEPEJ uses indicators such as **Clearance Rate %**, **Case Turnover Ratio**, and **Disposition Time**. According to the data provided **the number of new/received cases is 2,815, as for resolved cases 2,889 while unresolved cases total 1,035.**



**Received cases**  
**2,815**



**Resolved cases**  
**2,889**



**Unresolved cases**  
**1,035**

### Clearance Rate %<sup>37</sup>

The Case Handling Rate (Clearance Rate %) for the Prosecution will be calculated as the ratio between the number of resolved cases and new cases received during the reporting period. This percentage reflects the capacity of the basic prosecutor's offices to handle new cases and to reduce the load of unresolved cases. This indicator reflects the capacity of the Prosecution to handle new cases and reduce the load of unresolved cases.

The rate of **102.6%** shows that the Prosecution has resolved more cases than were received during the reporting period. Comparing it with the profiles of 48 different countries<sup>38</sup>, this rate is an indication that beyond the existing caseload, the new flow of cases has been successfully handled.

### Case Turnover Ratio

The Case Turnover Ratio is calculated through the ratio between the number of resolved cases and the number of unresolved cases within a year. This rate shows the capabilities of this institution to cope with and solve the total case load, including those unresolved from previous periods. Based on the data provided by the KPC, the Case Turnover Ratio (hereinafter: CTR) for the reporting period is **2.7**, which is estimated to be a fairly high case turnover ratio.<sup>39</sup> This means that the Prosecution has resolved **2.7 times more cases** than the number of outstand-

36 CEPEJ Guidelines, accessible at: [CEPEJ-GT-EVAL](#)

37 Instead of the expression resolving, the term handling will be used, because the prosecutors' offices do not make final decisions.

38 Council of Europe. "European Judicial Systems CEPEJ Evaluation Report". Accessible at: [1680b21e99](#)

39 Council of Europe. CEPEJ methodology. "Measuring the quality of justice", prg. 39. Accessible at: [rm.coe.int/1680747548#\\_ftn7](#)



ing cases. So, the Prosecutor's Office is solving more cases than remain unresolved, reducing the number of pending cases.

### **Disposition Time**

The duration of handling cases (Disposition Time) is considered one of the most important indicators in the evaluation of the performance of the justice system.<sup>40</sup> This indicator is calculated through the 365 days that make up the reporting period in relation to the case turnover ratio of basic prosecution offices. Disposition Time (hereinafter: DT) by the basic prosecution offices is **131 days** which shows that the Prosecution is handling cases at a speed comparable to European best practices.

In conclusion, we can say that, based on the results, the Prosecution has **shown positive results** in terms of high efficiency in handling cases. However, the large number of these cases and the irreparable consequences are worrying indicators for our country. Therefore, this suggests that beyond measuring institutional performance, there is a gap in preventing and fundamentally addressing this criminal phenomenon.

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40 Ibidem, prg. 41. Accessible at: [rm.coe.int/1680747548#\\_ftn7](https://rm.coe.int/1680747548#_ftn7)

## III. HANDLING OF DOMESTIC VIOLENCE CASES BY THE BASIC COURTS OF KOSOVO

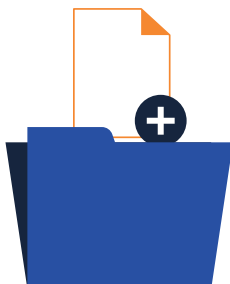
This chapter aims to analyze the efficiency and effectiveness of the courts in dealing with cases of domestic violence. Initially, the emphasis is on analyzing the data through the data provided by the Office for Information and Media Communication at the KJC<sup>41</sup>, then through the review of data from samples of judgments provided on the website of the KJC, also, through the organization of a focus group that provides direct information from the field.

This chapter aims to present a clear and comprehensive overview of how domestic violence cases are handled, identify the challenges of the judicial system and suggest improvements to increase efficiency and accountability in these critical cases.

### 3.1. Evaluation of the Basic Courts performance in cases of domestic violence

This chapter aims to analyze and reflect qualitative and quantitative data regarding the efficiency of the judicial system in handling cases of domestic violence, namely the focus will be on the basic courts. This is achieved through data provided through the request for access to official documents. To evaluate the performance of this institution, the indicators defined in the methodology of CEPEJ<sup>42</sup> will be used, such as: **Clearance Rate**, **Case Turnover Ratio** and **Disposition Time**. In addition, the KJC has approved the 2024-2029 Information Technology Strategic Plan for the implementation of digital justice tools of the European Commission for the Efficiency of Justice (CEPEJ).<sup>43</sup>

Based on data for the period **July 2023 – June 2024**, the courts have received a total of **1,145 cases** classified as domestic violence. Of these received cases, **408 have been resolved**, while the total number of cases solved for the reporting period reaches **856**, including other cases received before the reporting period, showing that **737 cases** still remain unresolved. Additionally, **74 cases** have been appealed through the use of legal procedural means.



**Received cases**  
**1,145**



**Resolved cases**  
**856**



**Unresolved cases**  
**737**

41 The data received by the Office for Information and Media Communication at KJC, dated 13 March and 28 October 2024.

42 CEPEJ Guidelines, accessible at: [1680788300](https://www.cebepj.eu/1680788300)

43 Kosovo Judicial Council IT Strategic Plan, accessible at: [13969\\_KJC\\_IT\\_Strategic\\_Plan\\_of\\_the\\_Kosovo\\_Judicial\\_Council\\_2024\\_2029.pdf](https://www.kjc.gov.mk/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf)

### Clearance Rate %

Clearance Rate % is defined as the ratio between resolved cases and new cases received, multiplied by 100, to obtain the percentage of the work capacity of the basic courts in Kosovo for the reporting period. In this reporting period Case Clearance Rate (hereinafter: CR) in Kosovo is **74.7%**, a result that reflects that courts are facing challenges in effective case management.<sup>44</sup> So, the number of new cases received is greater than the number of resolved cases, indicating that the number of pending cases is increasing.

### Case Turnover Ratio

The Case Turnover Ratio is defined as the ratio between resolved cases and unresolved cases during a certain period. This rate measures the system's ability to handle and resolve the total case load, including those outstanding from previous periods. According to this formula, the Case Turnover Rate (hereinafter: CTR) in Kosovo for the reporting period is **1.39** which, unlike the clearance rate, is positively evaluated.<sup>45</sup>

At first glance, this result may seem contradictory in relation to the CR, but they are different indicators because the CR value of 74.7% is an indication that the courts are encountering difficulties in coping with the new flow of cases. Whereas, the CTR value of 1.39 is an indicator that compared to the number of pending cases at the end of the period, the courts resolve a significant number of cases, keeping the number of pending cases relatively low. Thus, the CTR measures the institution's ability to cope with the influx of new cases while the CTR measures the ratio between resolved and pending cases.

### Disposition Time

Disposition Time is defined as the ratio between 364 days and the Case Turnover Ratio. This indicator reflects the average number of days needed to complete a case, reflecting the time efficiency of the basic courts. According to data analysis, approximately **262 days were needed** to resolve cases for the reporting period. The Disposition Time (DT) for the courts in Kosovo is an indication that cases are taking longer to be resolved compared to European standards.<sup>46</sup> This result reflects the need for continuous work in terms of case management as well as human resources.

## 3.1.1. Summary of final judgments on cases of domestic violence by the Basic Court in Kosovo

In the reporting period, out of all **856 cases resolved**, **701 cases** have turned out to have judgments with **guilty sentences**, thus highlighting the commitment of the judiciary to punish perpetrators of criminal acts of domestic violence. From these decisions:

**297 cases** have ended with **suspended sentences**, one of the most common types of punishments.

**72 cases** include the combination of **suspended sentences with fines or orders for compulsory rehabilitative treatment**.

Whereas, **94 cases** have been punished with **imprisonment**, including the measure of imprisonment in the most serious or repeated cases.

44 Council of Europe. "European Judicial Systems CEPEJ Evaluation Report". Accessible at: [1680b21e99](#)

45 Council of Europe. CEPEJ methodology. "Measuring the quality of justice", p. 39. Accessible at: [rm.coe.int/1680747548#\\_ftn7](#)

46 Council of Europe. "European Judicial Systems CEPEJ Evaluation Report". Pg. 113. Accessible at: [1680b1e91d](#)

Based on the data provided, we can say that there is a commitment to cope with the flow of subjects. However, the extended time to resolve cases and the limited use of more severe penalties, such as prison sentences, reflect the need for further improvement. In this direction, a harmonization between punishment and rehabilitation, together with the increase of human capacities, are necessary to more adequately address the issues of domestic violence, further strengthening the trust of citizens in the judicial system.

### 3.2. Judicial decisions in Cases of Domestic Violence: An In-Depth Analysis of the Sample

As an integral part of this chapter, there are also some judgments issued by the courts of first instance in Kosovo. These judgments present a more detailed overview of how cases of domestic violence are handled in the Kosovo judicial system, including the punitive policy, the economic situation of the victims and the accused, as well as gender aspects and the dynamics of recidivism.

However, it is important to note that a significant number of judgments have been deleted from the official websites of the respective institutions due to the sensitivity of domestic violence cases. The Group for Legal and Political Studies (GLPS) has requested access to public documents in order to analyze all judgments for the monitoring period, but we received a rejection decision.<sup>47</sup>

This rejection is based on **Administrative Instruction no. 01/2021**, on Supplementation and Amendment of the **Administrative Instruction No. 04/2019** on the Publication of Processed Judgments, specifically in Article 2B, which defines "the limitation of the publication of meritorious judgments of the basic courts". In paragraph 1, point 1.7 of this instruction, it is emphasized that basic courts must publish all meritorious decisions, *with the exception of those related to cases of domestic violence*.

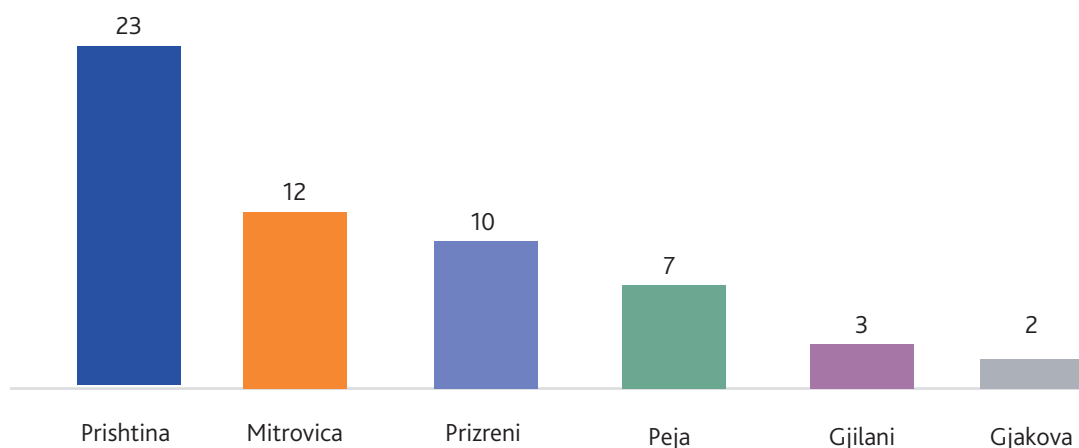
A total of **57 judgments<sup>48</sup> were reviewed** as a sample for the needs of this research. Within this sub-chapter, some indicators that have been predetermined to evaluate the effectiveness of the courts in dealing with cases of domestic violence will be dealt with. These indicators contribute to the creation of a clearer picture on the institutional handling of these cases and the possible challenges in this direction.

47 Decision of the Ferizaj Basic Court, QDP.nr.8/24, dated 21.05.2024

48 The analyzed judgments are accessible at: <https://www.gjyqesori-rks.org/aktgjykimet/> with following case numbers:  
2023:160133, P.nr.530/22, 2023:130360, P.nr.158/23, P.nr.711/22, P.nr.847/2023, P.nr.58/2022, P.nr.401/2023, P.nr.349/2023, P.nr.333/23, P.nr.5/2024, P.nr.145/2023, P.nr.379/23, P.nr.172/23, P.nr.218/23, P.nr.1032/22, P.nr.918/23, P.nr.237/2023, P.nr.26/2023, P.nr.3697/21, P.nr.354/23, P.nr.358/23, P.nr.373/22, P.nr.2585/23, P.nr.331/23, P.nr.375/23, P.nr.411/23, P.nr.216/23, P.nr.2742/23, P.nr.2890/23, P.nr.454/23, P.nr.404/23, P.nr.406/23, P.nr.337/23, P.nr.405/23, P.nr.279/23, P.nr.413/23, P.nr.79/23, P.nr.479/23, P.nr.362/23, P.nr.1358/2022, P.nr.198/2023, P.nr.677/23, P.nr.870/21, P.nr.161/23, P.nr.54/23, P.nr.732/22, P.nr.290/23, P.nr.419/23, P.nr.189/23, P.nr.244/23, 2022:249494, 2022:238323, 2022:190980, 2023:010907, P.nr.124/22, P.nr.252/21, P.nr.740/21.

Based on the published judgments, it is clear that **Prishtina** dominates with **23 published cases**, a number that significantly exceeds other regions. **Mitrovica** follows Prishtina with **12 cases** as well as **Prizren** with **10 cases**. While in **Peja 7 cases were reviewed**, while **Gjilan and Gjakova** are reviewed with the lowest number of judgments, with **3 and 2 cases respectively**.

**Grafiku 3.** Regional Distribution of Judgments.



### 3.2.1. Length of proceedings

In the framework of dealing with all judgments, we also dealt **with the duration of the procedure**, namely the period from the filing of the indictment until the announcement of the judgment. In each case, the duration of the proceedings was measured by calculating the difference between the date of the judgment and the date of the filing of the indictment. **Average duration** for these cases turned out to be **141 days (approximately 5 months)**, with a **maximum of 799 days (just over two years)** and a **minimum of only four days**. These results show a large variability in the handling of cases, which can have a direct impact on the protection of victims and their access to justice.

In this regard, it is important to note that from the total number of analyzed judgments, we have only **one rejection judgment**, whose judicial procedure lasted a total of **693 days**, while **56 other judgments were convicting**. This is a positive finding in light of the making more severe the punitive policy, as the vast majority of verdicts are convictions. As for **the average duration of criminal judgment procedures**, it turns out to be **131 days**.

Based on the data provided by the judgments, we have created an overview of the differences in the **duration of the procedures by region**. **Peja** marks the longest duration of the procedure, with an average of **364 days** and with a **maximum of 799 days**. On the other side, **Prishtina** has the largest number of analyzed cases, with **23 cases** but a relatively shorter average duration of **92 days**. While **Gjakova** results in an average duration of **88 days** in resolving cases of domestic violence.

**Table 3.** Duration of the procedure at the regional level.

Region	Number of cases	Average duration	Maximum duration	Minimum duration
Prishtina	23	92.26 days	570 days	8 days
Mitrovica	12	97.75 days	353 days	13 days
Prizreni	10	153 days	378 days	41 days
Peja	7	364 days	799 days	105 days
Gjilani	13	160 days	343 days	9 days
Gjakova	2	87.5 days	91 days	84 days

### 3.2.1.1. Type of violence

In the analysis of the 57 judgments dealt with by the courts of first instance for domestic violence, focus will also be given to the **type of violence**.

Based on the collected judgments, domestic violence appears in four main forms, as follows:

#### 1. Physical and psychological violence

- Case number: **9 (nine) cases**

#### 2. Cumulative violence (physical, psychological and economic)

- Case number: **1 (one) case**

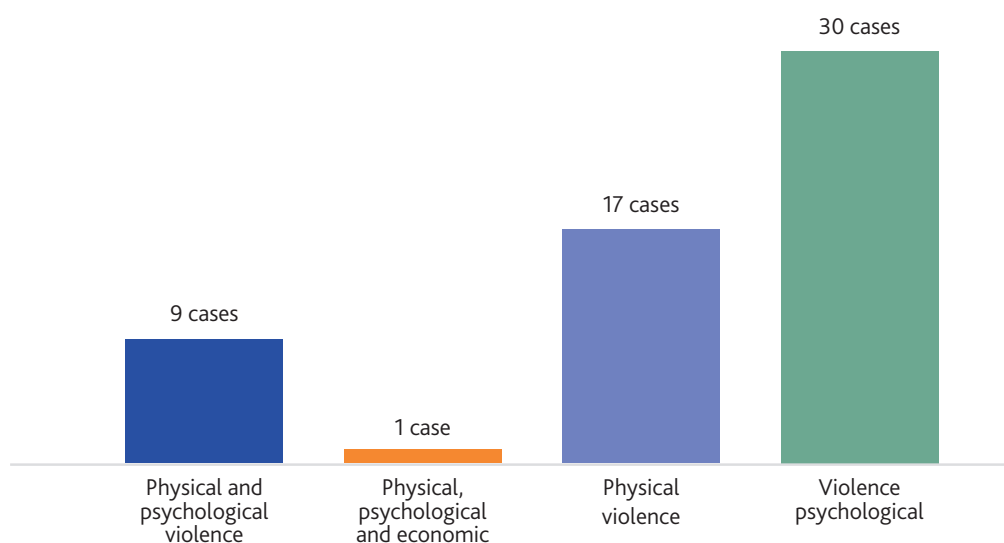
#### 3. Physical violence

- Case number: **17 (seventeen) cases**

#### 4. Psychological violence

- Case number: **30 (thirty) cases**

**Grafiku 4.** The number of cases and the type of violence.



According to the results, psychological violence is the most frequent type of violence in the family, this is an indicator of the increased awareness of injured parties to report this type of violence. We also have a specific case where it is cumulatively described as physical, psychological and economic violence. Fortunately, the Republic of Kosovo, with the recent amendments to the new Law on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence, for the first time clearly included economic violence as an independent form of violence in the family.<sup>49</sup>

### 3.2.1.2. The gender aspect and the relationship between procedural parties

Regarding **the gender aspect**, in total there are **62 accused** while **75 victims**, among these are **56 cases (75% of cases)** where women are victims, **17 men (23% of cases)** while **53 cases (85% of cases)** where men are accused and **9 cases (15% of cases)** with women accused. From the samples we can conclude that there are **5 cases (9% of cases)** in which the accused party and the victim are men, while there are **38 cases (67% of cases)** where men appear as accused while women are the victims. Furthermore, **4 cases (7% of cases)** where a man and a woman are victims. In **a case (2% of cases)** 2 female victims are parties to the case, while in **one case (2% of cases)** a man and a woman are victims.

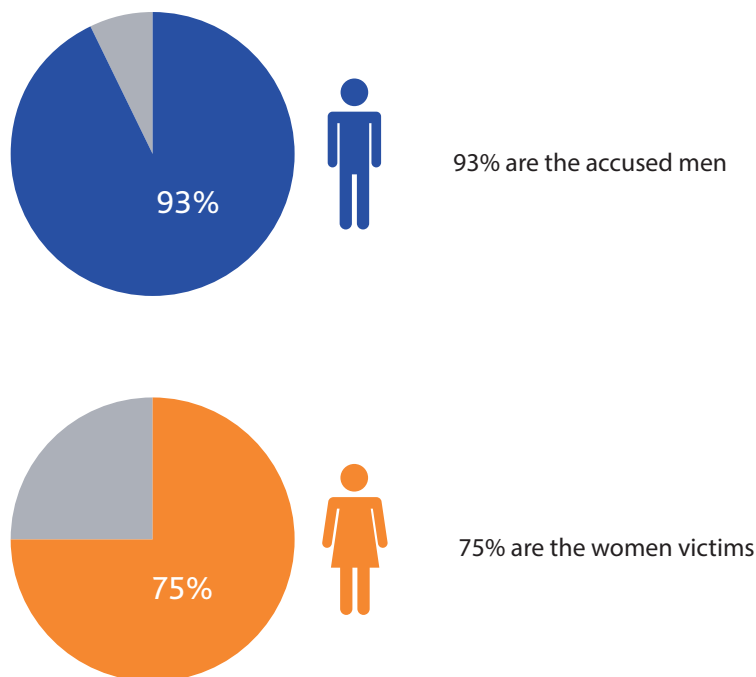
This data reveals a shocking reality in Kosovar society, where violence is systematically directed against women. With **93% of men as accused** and **75% of women as victims**, there is a predominance of systematic patriarchal violence. This makes clear the obvious fact that an immediate and comprehensive intervention is needed to protect women and to challenge the social norms that have been ingrained for several centuries. The responsible institutions must always take into account the rehabilitation programs of the victims, however with the new legal changes, it is extremely important that the focus is also given to the rehabilitation

<sup>49</sup> Law No. 08/L-185 on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence, 2023, Article 3.

programs of the perpetrators, which in this case are dominated by men and due to the nature of the type of offense requires special treatment.

As for the **ratio** between victims and accused, the data reflect that **61% of cases** occur between spouses. **18% of the cases** occur in **parent-child relationships** and in **9% of cases** are between **former partners**. In the brother-sister relationship and extra-marital relationships, a small percentage of **3.5% of the total cases occur**.

#### Grafiku 5. Gender aspect and the relationship between the procedural parties



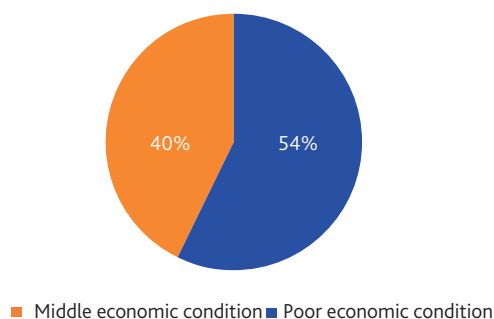
#### 3.2.1.3. Economic status of the procedural parties

Various factors affect the occurrence of criminality, whether they are endogenous (internal) or exogenous (external). Therefore, the scope of this research is also **the economic status of the victims as well as the accused**. From the systematic monitoring of cases of domestic violence, the material situation within the family, financial management but also the economic dependence between the victim and the accused can directly affect the occurrence of domestic violence. In family communities where the victim is dependent on the accused, this dependence creates an unsuitable environment for the victim to move to another residence or when financial management is in question, there are cases in which the lack of adequate management causes tense situations in victim-accused relationship.

From the data provided by the analysis of a sample of 57 judgments, **a large part of the accused, about 54%, have poor economic status**. However, 40% of the accused belong to the middle economic class. On the other hand, there is a gap **regarding the economic situation of the victims, where in 70% of cases this information is missing**, this only makes the epilogue on the matter more difficult. However, current data indicate that very few victims have a stable financial status, thus indicating their unfavorable position in these reports.



### Grafiku 6. Economic Status of Defendants



Beyond the fact that the victims are subject to domestic violence, the situation is made even more difficult by the situation of the Shelters and also the Centers for Social Work in Kosovo. This is because both of these institutions are overloaded, while on the other hand, they appear to have problems in terms of the financial aspect, inadequate infrastructure, but also limited human resources.<sup>50</sup> The question of the reintegration of the victims after leaving the shelters is a concern, specifically the question of securing housing but also their employment, which leads many victims to return to unsafe environments for them.<sup>51</sup> Such a situation creates a retroactive and fruitless cycle for the victim, who can end up again as a subject of domestic violence, and for the mission of Shelters and Centers for Social Work to eradicate this phenomenon.

Therefore, taking into account this data, there is an urgent need to foresee programs for raising the economic capacities of the victims initially, but without excluding the accused after the end of the sentence. The Istanbul Convention, in its Article 16, also provides for the creation of programs aimed at helping perpetrators of violence to change their behavior, in order to prevent the recurrence of violence.

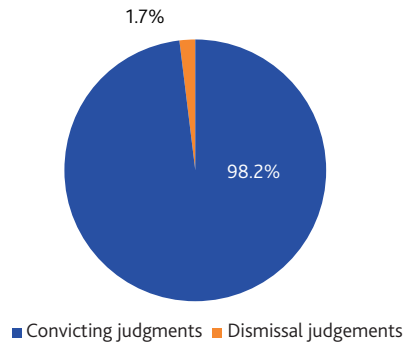
### 3.2.2. Punitive Policy Analysis

Based on the data obtained through the analysis of 57 judgments for the monitoring period, we can say that we have a more advanced punitive policy, in which case **98.2% of cases are convictions** while **1.7% are dismissal judgments**. This percentage difference reflects the harsher approach that should, in principle, characterize the punitive policy towards domestic violence. In **38 out of 57 cases in total, alternative sentences were imposed** while in **18 cases main sentences were imposed**. It is also important to note that in **22.8% of cases**, the perpetrators are **recidivists**, in **50% of the judgments it is not mentioned whether the perpetrators were recidivists or not**, whereas in **26.3% of cases**, the perpetrators have committed the criminal offense of domestic violence **for the first time**.

50 Dardana Fetahu, Thematic Analysis: Evaluation of Shelters and Centers for Social Work: Assessment of Capacities to Support Survivors of Gender-Based Violence in Kosovo. JUST React project. Accessible at: [link to be inserted]

51 Ibid. pg. 15.

### Grafiku 7. Punitive Policy in Domestic Violence Cases



The difference in the type of sentences imposed is worrying, as it does not represent an adequate punitive policy, increasing the likelihood of recidivism and preventing the perpetrator from understanding the gravity of the crime committed. Likewise, the identification of recidivists is a legal obligation<sup>52</sup>, in order to evaluate the offense and the author, especially in the criminal offense of domestic violence, which has already reached large proportions, while from the above data we have 50% of judgments that have not identified this issue.

Of **18 main sentences, 9 prison sentences were imposed**, which represent more serious convictions and are an indicator of the presence of the perpetrators' recidivism. In one case, **suspended sentence was imposed** and in a **cumulative manner also penalty of fine**, thus offering the perpetrator the opportunity to understand the seriousness of the criminal offense committed as well as to have space for resocialization, which is the main purpose of criminal sanctions. Likewise, in **4 registered cases, imprisonment and a fine were imposed**, which reflects the severity of the punishments by the judiciary. Only **one case** includes **judicial admonition**, which represents the lightest form of punishment. While there are **three cases** in which the fine is presented as **the main penalty**, such punishments do not correspond to the seriousness of the criminal offense committed and as such do not meet the legal standards for punishment and protection of victims.

**Table 4.** Main Type of Sentencing.

Type of sanction	The number of cases
<b>Imprisonment</b>	9 (nine) cases
<b>Imprisonment and Fine</b>	4 (four) cases
<b>Fine</b>	3 (three) cases
<b>Suspended sentence + Fine</b>	1 (one) case
<b>Judicial admonition</b>	1 (one) case

When talking about this point, it is worth emphasizing that during the analysis of the sample judgments, we found that in some cases criminal offenses with all the elements of the offense of domestic violence were qualified as minor bodily injuries or threats. Such an approach must

52 Code No. 08/L-032 of Kosovo Criminal Procedure, Article 365. Accessible at: [Code No. 08/L-032 OF CRIMINAL PROCEDURE](#)

necessarily change on the part of the institutions responsible for the general good. Sanction policies for criminal offenses such as light bodily injury or assault are inadequate for the consequences of domestic violence. **Guideline of the Supreme Court of Kosovo on punitive policy**<sup>53</sup> as well as **Guideline for the legal qualification and treatment of cases of domestic violence according to the Criminal Code of the Republic of Kosovo**, constitute the key documents that must be handled by the judiciary.<sup>54</sup>

The data show a differentiated approach regarding fines and imprisonment. **The average of the imposed fines is 439 EUR**, a symbolic amount compared to the weight of criminal acts of domestic violence. On the other hand, **maximum fine of 1500 EUR** and the **minimum of 100 EUR** show great flexibility in dealing with the circumstances of the cases.

As for **effective prison sentences**, the average is only **3.6 months**, quite modest period, with a minimum of **1 month and a maximum of 12 months**. It means that most of the prison sentences imposed are significantly below the legal limit for these crimes, which is **3 years**. There was a similar trend in terms of the punitive policy last year, where the maximum effective prison sentence was **1 year and 4 months**.<sup>55</sup> Regarding the effect of this approach on the re-integration of convicted persons, it remains unclear, especially after the recent changes to the Criminal Code and the Code of Criminal Procedure, how the approach of judges has changed in making sentences more severe for this phenomenon.

**The trajectory of domestic violence cases this year has seen a noticeable increase**, and unfortunately, some of them have ended with the murder of the victims, which is a social disaster that initially requires awareness and institutional prioritization.

**Table 5.**

Type of sanction	Average	Maximum	Minimum
Fine	439 EUR	1500 EUR	100 EUR
Punishment with imprisonment	3.6 months	12 months	1 months

53 The Guideline of the Supreme Court of Kosovo on Sentencing Policy. Accessible at: [supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/Sentencing\\_Guidelines\\_February\\_2018.pdf](https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/Sentencing_Guidelines_February_2018.pdf)

54 Guidelines for the legal qualification and treatment of cases of domestic violence according to the Criminal Code of the Republic of Kosovo. Accessible at: [75340.SupremeCourtDVGuidance\\_June2020.pdf](https://75340.SupremeCourtDVGuidance_June2020.pdf)

55 Institutional Treatment of Cases of Domestic Violence, July 2022 - June 2023, pg. 20, accessible at: [GLPS-Just-React-Annual-Report-Domestic-and-Gender-based-Violence-in-Kosovo.pdf](https://GLPS-Just-React-Annual-Report-Domestic-and-Gender-based-Violence-in-Kosovo.pdf)

### 3.3 Perceptions from the Field: Analysis through Direct Monitoring

In July 2024, GLPS organized a focus group with the participation of monitors engaged in the JUST React project for the monitoring period. For the period of the second monitoring cycle, the monitors engaged in the Basic Court in Prishtina, in the Basic Court in Prizren and in Mitrovica, have followed a total of **1094 cases** of which **22.1 %** initial hearing, **72.6%** of cases are main trials and **5.2%** cases have been monitored and the announcement of judgments.<sup>56</sup> From the statistics of the monitored procedural stages, it can be clearly understood that it has been an extremely big challenge to monitor a case from the initial hearing until the announcement of the final judgment, this is because the notice board in terms of holding hearings has not been updated and as a result, the monitors are obliged to be informed about the holding of the hearings through the systematic attendance of the judges' offices.<sup>57</sup> Therefore, for such challenges as well as those more substantive in terms of their experiences, we have organized a discussion in order to highlight the challenges that affect the effective processing of cases of domestic violence in Kosovo, from the perspective of each monitored region.<sup>58</sup>

One of the most important issues identified was **the lack of prosecutors handling domestic violence cases**, especially in **the Basic Courts of Prishtina and Mitrovica**. The heavy workload for a limited number of prosecutors has resulted in numerous delays in court hearings, seriously harming the judicial process as well as the victims.

On another point, a factor that also affects the delay of court hearings is the location of the Basic Court in Prishtina and the limited public transport lines, which make it difficult to reach the hearings on time. This particularly affects the economically disadvantaged, who often arrive late for hearings, thus facing unequal and unfair treatment.<sup>59</sup>

Another issue of concern raised in this focus group was **the lack of cooperation between justice institutions and the police**, especially in the implementation of court orders, such as in bringing detainees to hearings.<sup>60</sup> This lack of coordination seriously hinders the effective handling of domestic violence cases and increases the need for closer cooperation between these institutions.

A concerning trend in **Mitrovica Basic Court** is the attempt of judges to mediate reconciliation between victims and accused, especially in civil proceedings for the issuance of protective orders. Often, judges use children as a reason to encourage victims to give another chance to the relationship.<sup>61</sup> It should be noted that such a practice is totally contrary to local and international legislation.

On the other hand, monitors have observed that, in general, the courts offer equal treatment to victims, regardless of gender.

In general, domestic violence cases are handled relatively quickly, especially when the defendants plead guilty. The efficiency of the courts has improved in the last year, with most cases being completed within one or two hearings. However, **lack of legal representation** for the victims remains a serious issue. This is confirmed by the analysis of the sample of judgments, the majority of victims, **71.9%**, **do not have legal representation during court proceedings**. Only a small percentage, **17.5%**, have personal lawyers, while **10.5% are supported by Victim Protection Officers**, leaving a lot of room for improvement in this area.

<sup>56</sup> Monitoring Officer Reporting Database.

<sup>57</sup> Ibid.

<sup>58</sup> Focus group organized with monitoring officers, dated 11 July 2024.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

**Table 6.** Legal Representation of Victims

Type of Legal Representation	Percentage of victims
No legal representation	71.9%
Lawyer	17.5 %
Victim Protection Officer	10.5 %

In conclusion, this focus group highlighted that, despite some improvements, major challenges remain to be addressed to ensure that every victim of domestic violence has equal access to justice and adequate support.

## Findings and recommendations

The main findings deriving from this analysis are:

1. The Republic of Kosovo has created a consolidated legal framework regarding the handling of cases of domestic violence and gender-based violence. However, there is room for improvement regarding Online Gender Based Violence and Femicide. Also, the full implementation of the legal framework in force.
2. During the **period July 2023 - June 2024**, a total of **2,856 cases** of domestic violence were reported to the Kosovo Police, marking an increase of **4.4%** compared to the same period of the previous year, when **2,735 cases** were reported.
3. The incidence of domestic violence by region is headed by **North Mitrovica**, followed by Peja, Prishtina, Gjilan, South Mitrovica, Gjakova, Prizren and Ferizaj.
4. In **79% of reported cases, the victims are women**, a fact that proves that women continue to be disproportionately affected by domestic violence, reflecting the deep impact of patriarchal structures rooted in society.
5. According to the reported cases, **the most affected age group** for both the victims and the arrested is **30-40 years old**. This age group represents **25.4% of the total victims** and **26% of arrested persons**.
6. In **over 90%** of cases reported to the Prosecution for domestic violence, **indictments have been filed**.
7. In contrast to the incidence of reports at the regional level, **the region of Peja marks the highest incidence of indictments**, representing double the cases reported to the Police.
8. The lack of data on the gender aspect for the accused and victims in the Prosecution emphasizes the need for inter-institutional cooperation and the creation of a **common database**, to ensure a unified treatment of cases of domestic violence. The example to follow is **Spain**, which has developed "**Integral Monitoring System of Gender Violence (VioGén)**".
9. In the process of monitoring cases with all the elements of the criminal offense of domestic violence have also been identified, while **they have been qualified as light bodily injury or threats**.
10. For the monitoring period, the **Prosecution** had a case handling rate of **102%**, resolving more cases than were received, while the **Courts** achieved a **clearance rate of 74.7%**. **Turnover rate** is **2.79** in **Prosecution** and **1.39** in **Courts**, **which reflects efficient management**.
11. From the data provided by the KJC, in **701 cases guilty sentences** have been pronounced, with **297 cases** ending in **suspended sentences** and **94 cases in prison sentences**.
12. From the analysis of the judgments, **psychological violence** appears as the most frequent type of domestic violence, followed by physical violence.
13. **61% of cases** of domestic violence occur between intimate partners. Meanwhile, about **54% of those accused** of domestic violence belong to a **poor economic situation**, while for **70% of the victims** there is no data on their economic status.

14. Courts found the accused guilty in **98.2% of cases** however, adequate penal policies have not been used because we have a dominance of alternative punishments. Meanwhile, **in 50% of the judgments it is not mentioned whether the perpetrators were recidivists or not.**
15. In **71.9% of cases**, victims do not have a legal representative during court proceedings.

From these findings, JUST REACT provides these recommendations for institutions that deal **with cases of domestic violence and gender-based violence**:

1. The Government of Kosovo/Ministry of Internal Affairs and Ministry of Justice, to undertake measures to ensure the full implementation of Law no. 05/L -003 on the Electronic Supervision of Persons whose Movement is Limited by Decision of the Court, which is in force since 2015;
2. Increasing the efficiency of the Kosovo Police through the creation of adapted strategies for the prevention and investigation of cases of domestic violence;
3. Create an inter-institutional database, similar to the VioGén system in Spain, that would include the Police, Prosecution, Courts and Centers for Social Work. This database would enable the tracking of cases of domestic violence in real time, improving coordination between institutions and providing more effective support and protection for victims through risk assessment and preventive measures;
4. It is recommended to strengthen or raise the capacities of human and technological resources in the Courts to improve efficiency and reduce the duration of handling cases;
5. To ensure the effective implementation of the changes in the Criminal Code and the Code of Criminal Procedure by the Courts and the Prosecution, applying a more severe punitive policy as well as accelerated judicial procedures;
6. It is recommended that the courts include in the judgments the information whether the perpetrators of the criminal offenses were recidivists or not in accordance with the Code of Criminal Procedure;
7. The Government of Kosovo/Ministry of Justice to envisage programs for raising the economic capacities of the victims and the accused after the end of the sentence;
8. Victims' Advocates should be present at all court hearings and assist in the preparation of submissions and other legal remedies.





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# Institutional treatment of domestic violence cases

JUNE 2023 – JULY 2024



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