



### LEGAL AND POLICY FRAMEWORK

In 1999 Kosovo became a territory governed by the United Nations and in 2008, after failed negotiations on its legal status between Belgrade and Prishtinë/Priština declared its independence. Although recognised by more than 100 UN member states Kosovo is still without membership in the UN and the Council of Europe (CoE). Therefore, Kosovo cannot ratify international Conventions such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention CETS N° 210). However, Kosovo ensures the direct application of CEDAW through article 22 of the Kosovo Constitution and committed with the Strategy on Protection from Domestic Violence (DV Strategy) for the period 2016 until 2020 to actions that lead towards the harmonisation of its legislation with the Istanbul Convention.<sup>1</sup>

The issue of gender equality is recognised as a fundamental value which is enshrined in the Constitution of the Republic of Kosovo. The provision of equal opportunities for both men and women to participate in all aspects of society is guaranteed through an ever-evolving domestic legal landscape which has at its core, specific provisions such as the Law on Gender Equality, and the Law on protection from discrimination both of which came into force in 2015 which aim to prevent domestic violence, in all its forms.

Under the law, violence on the grounds of gender refers to all acts of violence that result in, or are likely to result in, physical, sexual, psychological, 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.

The Law on Protection against Domestic Violence (LPDV)<sup>4</sup> and the DV Strategy do not contain a specific definition of violence against women and girls (VAWG) just an overview of the definitions from the Istanbul Convention without further referring to activities and actions on how to fight and prevent the different forms of violence. Overall, the legal text has a gender-neutral approach and does not even refer to 'women' as a

specific vulnerable group for gender-based violence (GBV).

In Kosovo, gender-based violence is studied mainly in the context of domestic violence. National statistics compiled by the Kosovo Police confirm that women are most likely to experience gender-based violence, and the highest percentage of perpetrators are those who are in a close relationship with the victim. When the victim of domestic violence is male, most of the perpetrators are also close family members. Children are also another vulnerable group susceptible to gender-based violence.

According to the Law on Protection from Domestic Violence (LPDV), the Kosovo Police are responsible for responding to any report of domestic violence. The LPDV further stipulates that the Police are responsible for the protection of the victim and the prevention of further violence, by offering protection and a wide range of support services.

Whilst the Kosovan authorities and policy makers are resolute in their determination to provide an effective legal framework, and considerable progress has been made to that effect in recent years, the challenge of effective law enforcement remains.

Whilst role of the police in dealing with GBV is far reaching and expectations are high, police lack adequate resources to deal with the complex issues involved. A study of attitudes toward domestic violence carried out in 2017, underline the importance of the cultural context of patriarchal structure, gender inequality, and rigid gender roles that continue to strongly influence males' tolerant attitudes towards violence against women. Successive studies show that violence against women<sup>2</sup> is somehow normalized in Kosovo society.



## WOMEN'S CSOs LANDSCAPE - Challenges and Needs

In Kosovo CSOs serve as a link between citizens and institutions relying entirely on international donor support. Civil society engagement is particularly affected by the frozen conflict between Kosovo and Serbia and although cooperation among CSOs is well developed, communities rarely interact beyond ethnic boundaries. The challenge for women's CSOs in meeting the needs of victims and changing the attitudes and behaviours as a prerequisite to combating and preventing GBV in society is to work with the limited resources available. Whilst trends in GBV, particularly, but not exclusively, against women continue to increase, access to adequate resourcing is becoming increasingly difficult. Given the sensitivities involved, providing effective victim support requires women's CSOs to have a wide and diverse range of practical knowledge and expertise.

### NEEDS identified in the area of Direct Victim Support Activities:

In Kosovo, the most immediate challenge and need for women's CSOs is the ability to provide victims with **advice on the legislative framework** and the avenues of recourse available to them. In order to meet this need, CSO advisors and counsellors must have the requisite knowledge and expertise.

The second most immediate challenge and need is the ability to **provide counselling and psychological support to victims**. Victims of gender-based violence suffer considerable trauma and the psychological impacts are complex and often long lasting. Unfortunately, in Kosovo those who experience gender-based violence are all too often victimised after they come forward to report such crimes and request help and protection. There is a lack of recognition and provision of adequate measures to deal with this victimising of victims.

The third most immediate need facing CSOs is the need to **provide adequately resources, dedicated advice centres for survivors** of gender-based violence which would include family members. The issue that is often overlooked, or underestimated, is that even if the victims can find protection from perpetrators of GBV, such as, for example, finding shelter, the circumstances that gave rise to GBV in the first place still need to be dealt with.

All these priorities require sustainable resourcing which will ensure stability over the long term.

### NEEDS identified in the area of indirect Victim Support Activities:

The primary challenge is preventing GBV and as such, there is an urgent **need to raise awareness particularly amongst young people**. GBV is a phenomenon most prevalent amongst families in the domestic context and unfortunately the police are often not adequately trained and equipped to deal with it. This lack of understanding by legal authorities leads to insensitivity when dealing with reported cases and the result can often lead to victim blaming.

The second priority need for CSOs is **lobbying and advocacy to influence policy and decision making** by the relevant authorities. CSOs have direct experience on the front line are best placed to determine what is needed to address complex challenges. It is important that this experience influences policy so that front line needs are addressed. But this takes time, a different skill set and dedicated effort.



The third challenge for front line CSOs is **tackling the issue of gender stereotypes** which give rise to dysfunctional attitudes amongst men and boys. This challenge encompasses a range of priority needs such as research on GBV and monitoring trends, as well as developing educational programmes targeting perpetrators and those who are at risk of offending.

*“In 2019 64% of women surveyed thought violence exercised by partners, acquaintances, or strangers toward women is common.”*

## NEEDS identified in the area of Community Building and Outreach Activities:

The need to **build coalitions and partnerships among CSOs** is an important priority when it comes to community building. It is important that CSOs can share experiences and lessons learned. Moreover, given that resources are so scarce, it makes sense to share and optimise resource usage.

The second priority is the need to **raise awareness of both the complex issues related to GBV but also the activities and services which women's CSOs provide.**

The third priority need which is extremely important is **to provide gender sensitivity training and education to those professionals** who must respond to instances of GBV as they arise. Law enforcement professionals from police to judges, from local government officials and social workers must have the required knowledge and skills to deal with the trauma to which GBV gives rise.

If we consider the issue of community-based mobilisation and the involvement of target groups, it is important to recognise the heterogeneous nature of diverse groups and as such, combining groups with distinctive characteristics and priority needs could prove problematic.

## NEEDS identified in the area of CSO Competency Building:

CSO advisors and counsellors providing victim support on the front line must have the necessary competencies in order to do so. They must be knowledgeable in a wide range of areas and must have the skills necessary to communicate and counsel victims who are often traumatised.

One of the most important challenges facing CSOs is the need to design and develop effective programs which are actionable on the front line. It is also critical to be able to monitor and assess the effectiveness during implementation. The challenge is that CSOs are reactive and responsive to needs as they arise because they have to. They do not have the time or resources to think and plan strategically for the long term.

Of course, fund raising is a constant challenge and there is a never-ending need to lobby donors for support. The COVID pandemic had a profoundly negative impact on women's CSO since many of the ongoing projects were put on hold and funding avenues were disrupted.

*“54% of women said they had experienced psychological, physical, or sexual violence at the hands of an intimate partner, and nearly 29% said that they had experienced sexual harassment”*

### ABOUT THE STUDY

This study analyses the women's CSO landscape in Albania, Bosnia-Herzegovina, Croatia, Cyprus, France, Greece, Italy, Kosovo, Montenegro, Serbia and Spain. It identifies the challenges women's CSOs face and their needs to prevent and combat GBV. The study was carried out by INDERA SL at the request of **Calala Women's Fund** jointly with the **Mediterranean Women's Fund (MedWF)** and **Ecumenical Women's Initiative (EWI)**.

### Methodology:

Based on a review of the current initiatives at grass-roots level in the 11 countries and the project portfolio of EU supported initiatives, a model of activities was created comprising the following four areas: 1) Direct Victim Support Activities: services and activities which are provided directly to the victims of GBV; 2) Indirect Victim Support Activities: monitoring, advocacy, and watch dog activities regarding the adoption and implementation of laws and policies to combat and prevent GBV as well as research, awareness raising and preventative activities. 3) Community and Outreach: activities to strengthen stakeholders' collaboration, networking and community building; 4) CSO Competency Building: activities to strengthen women's CSOs structural, technical, financial and operational capacities.

Stakeholder interviews with women's CSOs and experts from the 11 countries, together with desk research provided information and data about legal and policy frameworks, actors, tools and methods in the area of GBV and VAWG to identify needs to support actions with potential in prevention, protection, prosecution, service provisions, partnership building and prevalence.

The data provided in this study was collected in March 2023. More information at: [www.calala.org](http://www.calala.org)

