

Discrimination and Domestic Violence

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Abstract

Discrimination and gender-based violence is present in our society. In this sense, the Government of Kosovo implemented on 25.08.2011 the program against domestic violence. With the Kosovo Government Decision no. 04/83 a National Coordinator against Domestic Violence was appointed and assigned responsibilities for leading the implementation of this program and at the same time a Coordination Group was appointed. The fight against domestic violence has already taken all the institutional and political dimensions, including activating all segments of Kosovar society.

Main objective of this manuscript is based on the collection of data from reports, statistics, and interviews with competent persons, spokesman of the police, social work centres, leaders of departments, police stations and other relevant institutions. A large number of individual meetings was conducted with persons responsible for each institution; also written requests were sent by mail, electronically or delivered in person at the facility. To get to the final design of this study a primary research of printed materials, laws, regulations, analysis, preliminary reports, was initially conducted concerning the Law on Protection from Domestic and gender discrimination.

Keywords: Violence, Family, prosecutor, law, government.

Introduction

Kosovo, with an area of 10,887 km² and a population of about 2 million inhabitants, is located in the central part of the Balkan Peninsula. Changes occurred in the Balkans in the 1990s, as a consequence of tensions and armed conflicts in the former Yugoslavia, which brought great changes not only in the political map of the region, but also in the social and economic situation of countries.

Kosovo is characterized by a young population, where 50% is under the age of 24 and only 8% of its population is over the age of 64 years. Compared to other countries in the region, Kosovo has the highest unemployment rate. It is estimated that in 2008, 48% of the workforce was unemployed. Unemployment tends to be long-term, where approximately 82% of the unemployed have been unemployed for more than 12 months. The unemployment rate for young people is 73%. Also, the rate of unemployment is different between the sexes. The unemployment rate for women is 55%, while for men it is 39%. The number of students who are forced to leave school continues to be of concern, especially girls. Healthy family relationships and marriages are a contribution to the elimination of gender stereotypes. Everything starts in the family and in the society. The findings of this study show that:

- In Kosovo, domestic violence is a form of gender-based violence, which usually is committed by men against women and girls;
- More than a third of respondents believe that "it is natural to domestic violence occurs when the couple quarrel";
- Sexual violence is not recognized as domestic violence if it occurs between partners;
- 50% of respondents (more women than men) claimed that "sometimes a child needs to be spanked";
- 40% of respondents claimed that the elderly are a burden to the family;
- 9.1% of respondents agree with the fact that persons with disabilities should stick close to the family;
- 82% of respondents admitted that they consider domestic violence a shame that should not go outside the home;
- Women living in poor rural areas are more likely to experience violence;

Kosovo's legal framework on gender discrimination

Law on protection from domestic violence no. 03/L-033 aims to prevent domestic violence in all its forms by appropriate legal measures, for family members who are victims of domestic violence, paying special attention to children, elderly and persons with disabilities. This law also aims to sanction perpetrators of domestic violence.

Law-making and executive structures and non-governmental organizations have specific functions and national program and an action plan to unify their efforts and share the duties and responsibilities of each. Significant support to the conviction of persons exercising this violence plays the Criminal Code of Kosovo, 03/L-002 and Code of Criminal Procedure 03/L-003.

On the other hand, legislation which supports combating the phenomenon of trafficking in human beings relies on a wide range of laws, documents and international conventions and national laws such as:

- The Universal Declaration of Human Rights;
- Council of Europe Convention on Action against Trafficking in Human Beings (2005) and its explanatory report;
- Optional Protocol to the Convention on the Rights of the Child;
- Trafficking, Prostitution and Child Pornography (2002);
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Human Beings;
- Constitution of the Republic of Kosovo;
- Criminal Code of Kosovo, 03/L-002;
- Code of Criminal Procedure 03/L-003;
- Labour Law. 03/L-212 Date 02/11/2010;
- Law on Protection from Domestic Violence 2010/03-L-182;
- Code of Juvenile Justice 2010/03-L193;
- Gender Equality Law 2004/2.

Discrimination and Domestic Violence in Kosovo

Domestic violence is an act that violates human rights. All people are born free and with equal rights and dignity, these rights belong to everyone, and are inalienable. In Kosovo, domestic violence is defined as any act or deliberate omission that results in abuse, which is conducted by a person who is or has been in a domestic relationship with the victim, including physical abuse (physical, physical pain, fear), mental maltreatment (psychological pressure, psychological suffering, causing the feeling of fear, violation of dignity, insult, humiliation), sexual abuse (relationship and sexual abuse) or economic maltreatment (injury, destruction of property, intimidation economic position of the victim). According to the Law, state institutions aim to prevent domestic violence, protect and ensure the victims, prosecute perpetrators and provide support, treatment and re integration for victims of domestic violence. Kosovo still does not have a system of statistical data periodically unified on domestic violence. From the data presented in this report we understand that domestic violence in Kosovo is a phenomenon with relatively high proportions, but reports indicate that it is being treated by the competent institutions in Kosovo.

Institutional Structure against Domestic Violence in Kosovo

Kosovo institutions in an effort to combat domestic violence through institutional mechanisms, organized and established the institutional structure Against Domestic Violence on top of which have appointed the National Coordinator against Domestic Violence and the Coordination Group Inter-Ministerial Committee, which consists of representatives of relevant ministries and other institutions of Kosovo. The group has expanded and supplemented with other members, observers from civil society and international partners who support the prevention and fight against domestic violence in Kosovo.

Together this group is trying to coordinate and handle domestic violence from several aspects, ranging from prevention (through awareness activities and proactive investigations), continuing the protection, rehabilitation and reintegration of victims. The national Coordinator is supported by the Secretariat on domestic violence, which is responsible for providing administrative and logistical support for the National Coordinator against Domestic Violence and serves as a benchmark to ensure that the current program is being implemented by all responsible parties through coordination, reporting and monitoring of their activities.

Representatives from relevant ministries and other institutions participating in the Inter-Ministerial Committee, while local NGOs and international partners are represented in the Coordination Group Inter-Ministerial expert capacity, taking into account their role in the prevention and assistance for victims. This group is dedicated to combat domestic violence, in cooperation with local and international partners based on PKKDHf and PV 2011-2014, as a guide for implementing this strategy. The program against Domestic Violence and Action Plan 2011-2014, enables coordinating existing efforts and strategies to all government departments and institutions of various ministries and non-governmental organizations in a single order to

prevent and combat domestic violence. In the Program against Domestic Violence, representatives of civil society and international organizations have identified and designed three pillars on which the fight against domestic violence is based.¹

Having aimed at improving existing services, the Program also addressed issues important to succeed in the development and welfare of our society as; lack of cooperation between institutions dealing with domestic violence, low level of capacity for addressing domestic violence issues among the main stakeholders, gaps in the referral system and the lack of infrastructure to support victims.

Prevention: The first pillar of Domestic Violence Programme aims to identify ways to educate and raise the awareness of society the citizens of Kosovo for domestic violence and its consequences, and to increase community capacity in order to respond to the phenomenon of violence. Also, the program aims to identify ways and means for the victims of domestic violence to receive the necessary information to improve their safety and welfare.

Safety and Security: The second pillar of the Programme against Domestic Violence contains activities that will affect the security and protection of victims of domestic violence through appropriate legal and social services, such as legal and physical protection.

Safety and security are the backbone and the second strategic objective of the Programme against Domestic Violence. It will include activities that will affect the security and protection of victims of domestic violence through appropriate legal and social services, such as legal and physical protection. While specific objectives include: providing effective physical protection services to victims of domestic violence throughout the territory of Kosovo; capacity building of stakeholders (police, prosecution, courts and centres for social work) for the treatment of domestic violence; to provide free legal assistance to victims of domestic violence.

Types of domestic violence

Emotional abuse - the destruction of the sense of self-esteem and/or confidence of an individual This may involve criticizing the constant humiliation, contempt of abilities a person, insults, degradation and damage to the relationship's with his children or her.

Psychological abuse - including intimidation by intimidation; threatening physical harm to self, partner, children or partner's family or friends; the threat of abandonment; killing of animals and destruction of property; threats to the custody of children; forced isolation from family, friends, school and / or work and denial of access to money or economic support.

Physical violence - including, but not limited to: postponement, hitting, catching, beating, asphyxiation, pinching, punching, hair pulling, kinking arm, slap hitting, throwing, burning, stabbing and killing. Physical violence may include the use of

¹ Centre for Legal and Civic Initiatives. See the report drawn up in the framework of the project "Preparation of strategic lawsuits aimed at strengthening the rights of women and increase their access to national and international mechanisms". The Project is implemented by CNI, through the monitoring of judicial decisions January 2011-1 June 2012. Supported by the United Nations Program for Development (UNDP).

physical size and strength of a person, tribulations or weapons (Eng. a gun, knife or other object) to obtain and maintain control over another person. Physical abuse often causes some form of damage or injury and can even cause death (Garcia-Moreno, 1999).

Sexual violence - includes imposing, enforcing or attempting to force sexual contact or behaviour without consent. Sexual abuse includes, but is not limited to marital rape, attacks on sexual parts of the body, forcing sex after physical violence or treating a person in a sexually demeaning manner. Sexual abuse committed by intimate partners and family members within the context of marriage, dating relationships and family.

Types of domestic violence against women by husbands in Kosovo

Emotional abuse

- Jealousy or anger if you are seen talking with other men;
- You treason charges;
- Doubts in loyalty to him;
- Shouts and insults you;
- Humiliation in front of others;

Psychological abuse

- gives you money;
- allows you to meet your friends;
- limits your contact with family;
- Insists to know at all times where you are;
- Threatens or harm you or any of your neighbour;
- threatens you with a knife or any other weapon;

Sexual violence

- forces women to have sex without their wish;
- Performs physical force, degrading in unwanted sexual acts.

Kosovo's strategy in the prevention of domestic violence consists in:

- To improve investigation techniques in order to increase the efficiency against trafficking in human beings;
- The amended / revised and completed legal framework regarding human trafficking;
- Increase institutional capacities (police, prosecution and courts) in the use of investigative techniques;
- Coordination and cooperation between the police, prosecution, courts, customs, tax administration, and relevant inspectorates;
- To strengthen cooperation with other countries and international organizations to combat human trafficking;
- Cooperation with other countries and with international organizations;
- Increase the efficiency and effectiveness of the police, prosecutors and courts to

- investigate and punish perpetrators of trafficking;
- Building the capacity of police, prosecutors and courts;
- Improvement of punitive policies for traffickers and offenders;
- Confiscation of property acquired by trafficking and compensation of victims;
- Arrival of the conduct of traffickers seizing the property;
- Implement standard procedures for victims of trafficking under domestic laws and international standards;
- Adequate and non-discriminatory treatment of victims;
- Implement standard procedures for victims of trafficking under domestic laws and international standards;
- Achieve professional quality increase through training.

Prevention of violence

The program aims to identify ways and means that victims of domestic violence receive the necessary information to improve their safety and welfare.

Prevention of domestic violence involves all institutions and NGOs to unify and share tasks and responsibilities of each. Based on the research conducted during the period (January-December 2011), the institutions involved as key actors in the implementation of PV PKKDHF-2011-2014 realized some of the goals outlined in the action plan for 2011, such as:

- Policies to foster cooperation of various stakeholders in this field, such as police forces, health workers and social workers;
- Policies to encourage cooperation between social workers, doctors and police;
- Policies to reiterate efficient institutional capacity respond to domestic violence
- Provide direct financial support for social services;
- Strategies with other donors to establish and support services throughout the country;
- To coordinate activities directed by NCWF, between the Government and NGOs active in the field of domestic violence;
- To harmonize economic, social and institutional;
- Develop, with the help of social workers, information materials to be distributed to police;
- Encourage the exchange of information between police forces and NGOs of women;
- Publish articles on domestic violence in the Albanian newspaper "Police Today";
- To recruit women police officers and in particular prepared to deal with victims of domestic violence.

Conclusions

Kosovo Program against Domestic Violence and Action Plan was adopted in August 2011, and contained clear objectives which began to be implemented since 2015. The National Strategy on Combating Trafficking in Human Beings and the Action Plan 2011- 2014 also came into force in August 2011 and are considered to have targeted objectives in combating this negative phenomenon. The purpose of this study was

to see how the objectives are implemented in practice by both programs in Kosovo municipalities and central level. Taking into account the situation on the ground by the findings during monitoring the Kosovo municipalities during the month of October 2012, it appears that the applicability of the strategies in question is at a minimum. The fact worrying is that today we are at the end of the second year of implementation of these documents, ie half the time limit for the implementation of strategies and no progress in this regard has been made.

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