

POLICY PAPER

Victim Protection and Safety in Cases of Domestic Violence: a Whole Community Response

Year: 2015

Prepared under the project: "Improving the provision of Social Service Delivery in South Eastern Europe through the empowerment of national and regional CSO networks"

Reference:
EuropeAid/132438/C/ACT/Multi



This project is funded by
European Union

1. Executive Summary/Purpose Statement

Domestic violence in Kosovo has been a “taboo” subject for many years. It often went un-reported by its victims or witnesses, though there was a “community of silence” that accepted that it existed. Reporting domestic violence was considered a “disgrace” for the victims. This meant that vulnerable family members were twice victimized: once by the perpetrator of the violence and by the “culture of denial” that made reporting violence somehow intolerable.

Where the domestic safety and well-being is a concern, all that happens within family can no longer be considered as an internal issue of family alone. Interventions from outside the family are often required to ensure the safety and well-being of individual family members.

A new response is required from the community of Kosovo—from its people, its responsible institutions and its social agencies. It must be a coordinated response that is more reflective of our new understandings of personal human rights. Powerful legislation against all forms of physical and psychological domestic violence will be the foundation of that response. Our new policy will interpret this new legislation and identify the short and medium term goals to be achieved by this new approach to protecting victims of domestic violence. In turn, a strategy by which the policy is to be implemented further defines specific objectives to be achieved and identify structures, functions and responsibilities required to fully implement this policy.

Our renewed and coordinated protection for victims will enable them to recover in a place of safety and empower them to protect themselves and those who depend on them for their safety.

However, in Kosovo there are developed the set of laws and administrative Instructions, standards and other tools in order to protect the victim of domestic violence, also many champagnes for Institutions and NGOs are organized, but the fundamental criteria to do implementation of those legislative act still remain the lack of the financial support from the government. Until now the service for domestic violence mainly are based on donation from International community and having in consideration that everyday those donation are reduced, the state must start planning a budget line to ensure that those service are covered directly by Kosovo budget.

2. Background

The acceptance of some forms of violence within cultures is changing. The every-day violence of 100 years ago is not only un-acceptable but probably unimaginable today. Domestic violence between spouses or cohabiting couples, whether or not involving children is very disturbing and clearly requires attention of the whole society and institutions responsible for providing social care. Relatively few families have the ability or the strength necessary to protect itself against violence from within. Abuse can take many forms, including physical or sexual abuse, and even abuse by neglect. In every case there is the presence of emotional abuse. All forms of abuse leave long-term disruptive effects for the behaviour and well-being of its victims.

Domestic violence is, for the most part, caused by a responsible person in or close to the family of the victim. Several economic or social factors can influence the person's violent behaviour, but these factors can never diminish the responsibility the abuser carries to protect those who in some way depend on him. So, while unemployment, poverty, drug or alcohol abuse may tip behaviour toward violence, the abuser remains responsible for the abuse.

Domestic violence is mainly reported only when it has been repeated over time. Domestic violence leaves consequences in children who witness as well as directly experience it. These child witnesses are themselves victims, and the memories and reactions of the violent incidents that have occurred remain with them through childhood and into adulthood.

Existing legal and operational arrangements have raised areas of concern that must be addressed in the policy. These include:

- » Under-reporting of domestic violence is likely leaving families vulnerable and unsafe
- » Court procedure in relating to perpetrators are lengthy
- » Victims (including children) risk homelessness or being without the support of a shelter
- » Prevention programmes are comprehensive but have not increased public confidence sufficiently to increase the number of reported cases
- » Interview and assessment facilities are not appropriate for parents and children experiencing the trauma of violence
- » The protective order is a significant measure that the court must consider when protecting victims
- » Procedures relating to the law of electronic surveillance should be implemented by the courts
- » The housing measures under Article 7 of the law On Protection Against Domestic Violence should be fully implemented, preventing the need for housing becoming the occasion of further violence
- » Reintegration and re-inclusion programmes for victims (mainly women and children) remain under-developed when special support services should be available for housing, education and employment
- » The lack of shelters for men with children, and for children older than 12
- » The National Strategy 2016-2021 commitment to support domestic violence services is un-funded.

These are the areas of concern that the policy will address and rectify.

The roles of the several municipal "actors" who are directly responsible for responding to incidents of domestic violence:

- » The police are usually the first to be notified of an incident of domestic violence
- » The social worker at the Centre for Social Work, in cooperation with the police, is available 24 hours every day to assess the situation and the well-being of victims
- » The Protector of Victims who are able to work directly with the victims.

Other agencies (Education, Health, etc) also have responsibilities in keeping with their already defined roles to promote well-being and personal skills development within the population.

The procedures for the registration and license the NGO are different in Kosovo, and all this procedures have their own criteria.

Initially based on the law for the registrations of the NGO within Ministry of Public Services there are criteria which are mandatory to be fulfilled in order to receive the registration certificate and minimum staff for a NGO is 3 member. After the completion of all the procedures an NGO will receive the certificate and this NGO is able to start with the work.

However, if NGO is dedicated to provide social services for children and adults, including victim of trafficking this NGO is obligatory to apply within Ministry of Labour and Social Welfare to be licensees in order to provide such a services. MLSW developed the criteria which are mandatory to be fulfilled in order to received certificate of licensing. Initially the NGO staff is obligatory to have their own license certificate, and depend of the size of the number of the reception of the social services or geographic size also it is specified the number of the individuals within NGO.

Finally, this process started in Kosovo and almost all NGOs focused in field os social services are in phase of complete of the documents to apply.

3. Analysis

The licensing of providers of social and family services and the licensing of legal entities and NGOs that provide social services, is a continuous process and based on the Law on Social and Family Services and other legal acts regulating the field of social services and family.

MLSW started with a process of licensing individual providers of social and family services, as well as legal entities and NGOs that provide social and family services, created preconditions solid for the advancement and development of delivery better quality of social services and family in Kosovo that would be competitive with the countries of the region and beyond.

Providers of social services and family as well as legal entities and non-governmental organizations licensed so far will provide better services to persons and families in social need, always given direct implementation of the laws and regulations governing family services field and a code of ethics for social service providers and family.

Representatives of legal entities and certified NGOs are:

1. "Center for Protection of Victims and Prevention of Trafficking in Human Beings" Prishtina
2. Protection and Rehabilitation Centre for Women and Children Shelter "Freedom" -Gjilan
3. "Hope and Homes Children" Prishtina
4. "Safe House" -Gjakova
5. Center for Protection of Women and Children "Raba-Voca" -Mitrovica
6. Center for Women and Children's Shelter-Prizren
7. Women's Wellness Center Peja
8. Ai.Bi Associazione "Amici dei Bambini" Prishtina
9. "HandiKos" Suharekë
10. SOS Children's Villages-Pristina
11. Day Care Center "Tree" Prishtina
12. Association of Paraplegics and Paralyzed children of Kosovo "HandiKos" Pristina
13. Non-Governmental Organization of Social Services "Humanity" -Rahovec

From first 13 NGO which are licensing 8 of them (1-8) are directly related with the providing the services for Women victim of domestic violence and trafficking.

4. Policy that enables the rule of Law

The law On Protection Against Domestic Violence is extraordinarily comprehensive and explicit. It requires professionals and agencies to work in partnership to protect victims of violence within the family. This law clearly establishes the rights and responsibilities of the citizens of Kosovo in relation to domestic violence and the responsibilities of the state institutions to work together to protect victims of domestic violence within the context of Kosovar resources and political realities.

This legislation is the foundation of development—not the development itself! Legislation has no meaning and brings no benefits unless it is expressed in new policy or a change of policy. Policy provides the structure for legislation to be enacted. Policy is expressed in a statement that brings together social welfare purposes and principles to form a vision of the system of protection that the legislation seeks to achieve.

Development of a policy for **Victim Protection and Safety in Cases of Domestic Violence** is the authentic beginning of implementing the law On Protection Against Domestic Violence. In policy development there is the possibility of establishing a community response where professionals and agencies work in real partnership to protect some of Kosovo's most vulnerable citizens.

Policy will not remain static once it is established. There will be a need to review and up-date the policy to accommodate future changes in broader government policy or funding changes. Regular reviews of policy should ensure that the issues addressed by legislation are continuing to be managed to legal requirements. In the case of Domestic Violence, review should ensure that developments with the policy:

1. continue to reflect the intention of the legislation
2. ensure that the strategic developments within the policy are effective, well managed and relevant
3. address the causes for concern that were apparent before the policy was developed

The law is explicit, requiring professionals and their agencies to work together to protect victims. The policy will interpret the “working together” concept as meaning all those involved bringing their individual skills and responsibilities to work in “partnership”.

Each professional and each agency with responsibilities for the protection of victims brings to this partnership unique skills and access to specific resources. Victims of domestic violence will benefit from the protection offered by this team of professionals with differing but complimentary skills.

5. Key Partners for the Protection of Victims of Domestic Violence

Each partner agency working for the protection of victims will have a specific role:

- » **Kosova Police**
 - First response to ensure the physical safety of the victim
 - Initiates emergency protection orders when required
 - Initial assessment of the domestic situation
- » **Centre for Social Work**
 - Full assessment of the domestic situation in cooperation with the police
 - Placement of victims in hostel
 - Reviews of hostel placement during victims' stay
 - Working with families for resolution of domestic problems
 - Provision of social history and recommendations relating to custody and parental access issues
- » **The Court**
 - Initiates protection orders
 - Considering evidence relating to domestic violence and breaches of the law
- » **Shelters**
 - Providing places of safety for adult and child victims under 18 years
 - Provision of psychological and physical support to victims
 - Accessing health, educational and recreational activities for victims
- » **Family Medical Centers**
 - Identification of physical abuse symptoms
 - Provision of emergency care services
 - Provision of longer term care
- » **Education**
 - Maintaining continuous education to school-aged victims
 - Modifying educational experiences to accommodate the special needs of victims
- » **Communal Housing**
 - Provision of temporary housing for victims during times of crisis
 - Provision of permanent housing for single mother who are victims of violence
- » **Office of Protection and Assistance to Victims**
 - Appointed defenders to support and advise victims
 - Provision of support during all hearings

Municipal Coordination Council Against Domestic Violence will be the municipality-based coordination mechanism of all activities by key partners for the Protection of Victims of Domestic Violence

- » Ensures that all partners place the human rights of victims at the centre of their activity
- » Responsible municipal body to ensure the safety and well-being of local victims
- » Creation and maintenance of municipality-based Case Management Round Tables for domestic violence cases

6. The Case Management Round Table

The Case Management Round Table (CMR) is the focal point of discussion amongst the partner agencies with difficult or complex cases of domestic violence. Its main function is to coordinate local responses to incidents of domestic violence and ensure that the partners are working productively. An appointed case manager will report directly to the CMR and the partner agencies have the responsibility to provide direct or indirect support as required by the needs of each case. All partners will support general developments in the rehabilitation, socialization and integration of both perpetrators and victims of violence.

Partner agencies will be expected to support the case manager's objectives in each individual case's defined action plan. This will include:

- » Kosova Police Investigations Unit – providing an initial point of contact and initiating emergency protection orders when required.
- » Centres for Social Work – the main provider of case managers
- » The Probation Service (Ministry of Justice – engaging in cases involving young people between the ages of 14-18
- » Victim Advocates – advising and supporting victims, ensuring that the victim develops the abilities to self-advocate and to protect themselves and young people dependent on them
- » Abuser Mentors – specialist social workers and volunteers who engage directly with the perpetrator to provide direction, supervision and counseling to change abusive behaviour problems by adopting others ways of resolving social problems. Mentors could adopt one of a number of tested programmes from the EU.
- » Anti-Trafficking Police Unit – engaging in domestic violence against trafficked
- » Municipal Directorate of Education – coordinating school placements and the inclusion of the child victim in new schools
- » School Psychologist – professional assessment and provision of psychological services to the victim child
- » Department of Health and Social Welfare – facilitating required medical treatment and social assistance
- » Community Office – assisting in the identification, referral and case management of minority group victims and repatriated persons.

Policy Recommendations

Policy recommendations will address each of the areas of concern relating to the protection of victims of domestic violence. Existing legislation is strong and does not require further review. However, the policy that brings forward the requirements (rights and responsibilities) of the legislation must identify specific developments that are responsive to problems identified from experience.

- » Issues needing to be resolved in the policy
 - Recommend policy solution
- » Under-reporting of domestic violence is likely leaving families vulnerable and unsafe
- » Prevention programmes are comprehensive but have not increased public confidence sufficiently to increase the number of reported cases
 - Establish sufficient Municipal Coordinating Councils Against Domestic Violence to address the needs of every municipality in Kosovo
 - Develop multi-media awareness-raising and preventative programmes at both Central and Municipal levels
 - Publicize locally the role of Municipal Coordination Council Against Domestic Violence
- » Court procedure in relating to perpetrators are lengthy
- » The protective order is a significant measure that the court must consider when protecting victims
 - Designation of specific judges in municipalities or regions of municipalities to exclusively hear domestic violence cases
- » Victims (including children) risk homelessness or being without the support of a shelter
- » The housing measures under Article 7 of the law On Protection Against Domestic Violence should be fully implemented, preventing the need for housing becoming the occasion of further violence
 - Fully implement the housing requirements of the law On Protection Against Domestic Violence that preserves the right of victims to occupy property of the perpetrator
 - Ensuring that separation of the child victim from the perpetrator always promotes the safety of the child without disadvantaging the child with respect living arrangements
- » Interview and assessment facilities are not appropriate for parents and children experiencing the trauma of violence
 - Develop specially equipped single purpose interview rooms in each municipality (either in police stations or centers of social work or shelters) that are designed to help victims feel safe and valued
 - Identify specialist social workers from local CSWs who are specially trained to case manage domestic violence situations
- » Procedures relating to the law of electronic surveillance should be implemented by the courts
 - Improve the functioning of municipality monitoring rooms for electronic surveillance to enable the law to be fully enacted

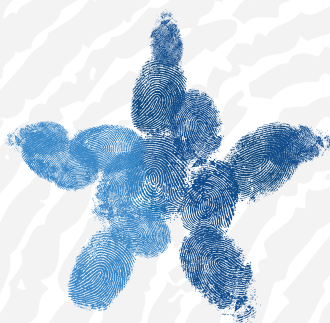
- » Reintegration and re-inclusion programmes for victims (mainly women and children) remain under-developed when special support services should be available for housing, education and employment
 - Reintegration and re-inclusion programmes become the specific responsibility of the CMR
 - Abuse mentor programmes will be established in each municipality or region of municipalities
- » The lack of shelters for men with children, and for children older than 12
 - Establishment of shelters for men with children up to the age of 18 in Kosova (one shelter for 6 men with children)
- » The National Strategy 2016-2021 commitment to support domestic violence services is un-funded.

IRIS NETWORK IS A UNIQUE REGIONAL NETWORK THAT BRINGS TOGETHER MORE THAN 150 CSOS, SOCIAL SERVICE PROVIDERS IN SOUTH EAST EUROPE. THE NETWORK IS BASED ON VISION OF EQUAL RIGHTS AND OPPORTUNITIES FOR DECENT LIVING FOR ALL. THE NETWORK HAS BEEN CREATED TO ENSURE SOCIAL INCLUSION BY SUPPORTING THE ENVIRONMENT FOR THE PROVISION OF HIGH QUALITY SERVICES THROUGH SUPPORT TO NATIONAL DEVELOPMENTAL SOCIAL POLICIES.



Responsible editor:
Aleksandra GLIGORVIĆ

Author:
Vebi MUJKU



Contact us and keep in touch with our activities!

✉ iris@iris-see.eu

🐦 [/IRISsNetwork](https://twitter.com/IRISsNetwork)

📘 [/irissnetwork](https://www.facebook.com/irissnetwork)

www.iris-see.eu



This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of Arbeiter-Samariter-Bund Deutschland e.V. and can in no way be taken to reflect the views of the European Union.