

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	45
Land:	Kosovo
Kilde:	Refugee Documentation Centre Ireland
Titel:	Legal Aid Board. Kosovo – Researched and compiled by the Refugee Documentation Centre of Ireland on 12 October 2010. Information on violence and rape against women.
Udgivet:	12. oktober 2010
Optaget på baggrundsmaterialet:	14. december 2010



Kosovo – Researched and compiled by the Refugee Documentation Centre of Ireland on 12 October 2010

Information on violence and rape against women.

Under the heading 'Political Rights and Civil Liberties', the May 2010 *Freedom House*, *Freedom in the World* report for Kosovo notes:

"Gender inequality is a major concern, especially in rural areas; support for women's rights is strongest in the capital. Patriarchal attitudes often limit a woman's ability to gain an education, choose a marriage partner, or secure employment. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. In the 2007 parliamentary elections, women won 38 of 120 seats; none of the 11 female mayoral candidates were elected in 2009. In many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. Domestic violence is a serious problem, as is discrimination against sexual minorities." (Freedom House (3 May 2010) *Freedom in the World 2010 – Kosovo*)

Under the heading "KWN and Kosova Youth Network condemned domestic violence" the 2009 annual report of the Kosovo Women's Network, published in April 2010, notes:

"Under the motto "Women and Men against Domestic Violence", KWN and the Kosova Youth Network (KYN), organized a protest against domestic violence on December 20, 2008. The demonstration was organized in response to recent cases of domestic violence that received minimal and poor quality media coverage.

In 2008 alone, the Kosova Police reported that eight people were killed by their own family members. There were five cases of attempted murder and numerous body injuries resulting from domestic violence. Concerned citizens, men and women, had contacted KWN, requesting that a demonstration be organized so that citizens could publicly raise their voices against domestic violence. During the demonstration, KWN Executive Director Igballe Rogova said:

In the name of these concerned citizens, in the name of the victims of violence, we call upon the governing structures of the state to prosecute the perpetrators of such acts of violence in due time and in accordance with the law. We plead to all institutions to be involved in this process and to put to service resources, be they financial or human, in order to prevent violence, to protect victims, to prosecute authors of such crimes, and to deliver sentences in accordance with the law. It is time that we say "Stop domestic violence", request justice, and ask for safety.

Demonstrations took place simultaneously in five different towns in Kosova: Prishtina, Prizren, Gjakova, Gjilan and Peja." (Kosova Women's Network (27 April 2010) *Kosova Women's Network Annual Report 2009*, p.9)

Under the heading 'Women', Section 4 of the *United States Department of State Country Report on Human Rights Practices for Kosovo* published in March 2010, notes:

"The law criminalizes rape; however, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by two to 10 years in prison; statutory rape (sexual intercourse with a child under 18) is punishable by five to 20 years in prison. Rape involving homicide is punishable by up to 40 years' imprisonment.

Observers believed that rape was significantly underreported due to the cultural stigma attached to victims and their families. Police rape units around the country received 42 reports of rape during the year. According to the Justice Ministry, victim advocates provided services to victims in approximately 31 cases of rape during the year.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. The law treats domestic violence cases as civil cases unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal offense and can be prosecuted. When victims did press charges, police domestic violence units conducted investigations and transferred cases to prosecutors. According to the special prosecutor's office, family loyalties, poverty, and the backlog of cases in both civil and criminal courts contributed to the low rate of prosecution.

In 2007 the OSCE issued a report on domestic violence that highlighted problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern over appellate procedures in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

Between January and November, police reported 856 victims of domestic violence. Of the victims, 681 were female, 175 male. Only 16 sought refuge in shelters. Children also suffered from domestic violence. During the year police reported 125 child victims of domestic violence: 74 girls and 51 boys. Only 12 were placed in shelters. During the same period, the Center for Protection of Women and Children provided assistance to 144 victims of domestic and sexual violence and three victims of trafficking. The Justice Ministry's victim advocate and assistance unit was involved in 636 domestic violence cases during the year.

Convictions for domestic violence were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases." (United States Department of State (11 March 2010) *2009 Human Rights Report: Kosovo*)

A November 2009 report from the *United Nations High Commissioner for Refugees (UNHCR)* under the heading 'Victims of Domestic Violence' states:

"While prohibited by law, domestic violence affects women and children in Kosovo and remains a serious problem throughout all communities. According to Kosovo police statistics, 1,077 cases of domestic violence were recorded in 2007. Moreover, reports

claim that most cases are not reported to the competent authorities, in part because the authorities are unable and/or unwilling to provide protection. As a result, cases of domestic violence are not investigated, and official data is believed to underestimate the scale of the problem. Rape and other forms of sexual and gender-based violence (SGBV) are underreported due to the cultural stigma attached to survivors and their families, and the fact that survivors may not be able to rely on effective state protection.” (UNHCR (9 November 2009) *UNHCR’S Eligibility Guidelines For Assessing The International Protection Needs Of Individuals From Kosovo*, p. 20)

An *Organization for Security and Co-Operation in Europe* report under the heading ‘OSCE Mission urges Kosovo courts to take swifter action in domestic violence cases’ states:

“PRISHTINE/PRISTINA, 25 November 2009 - The judicial system in Kosovo must do more to protect vulnerable individuals from violence and abuse, says an OSCE report on domestic violence cases that was presented today.

The report's conclusions are the result of two years of focused monitoring of judicial proceedings involving domestic violence by the OSCE Mission in Kosovo. The report expresses concerns regarding unlawful delays in scheduling hearings and in deciding on petitions for protection orders and emergency protection orders.”(Organization for Security and Co-Operation in Europe (25 November 2009) *OSCE Mission urges Kosovo courts to take swifter action in domestic violence cases*)

The same report continues:

"Most victims of domestic violence are women and children. The justice system in Kosovo has a vital role in protecting the security and personal integrity of victims of domestic violence and it should play a more active role," said Markku Laamanen, the Deputy Head of the OSCE Mission.

The report's recommendations emphasize that judges must comply with relevant laws and issue decisions within legally mandated deadlines. In addition, the report recommends that judges properly justify decisions in domestic violence cases and that the Kosovo Judicial Institute should continue educating judges and prosecutors.” (ibid)

An October 2009 *European Commission* report under the heading ‘Economic and social rights’ notes:

“The establishment of domestic violence units and training of officers on assisting victims is a positive step in the police's efforts to address domestic violence. However, high levels of domestic violence persisted. Many cases are not reported. Few reported cases of violence are prosecuted in court. The majority of trafficking victims are women. The six shelter facilities are inadequate and do not provide a sufficient level of security. Delays in issuing protection orders remain an issue of concern.

Overall, the institutional framework for the protection of women's rights has been strengthened, but domestic violence remains widespread and is a serious concern. The protection of women against all forms of violence needs to be considerably

strengthened.” (European Commission (14 October 2009) *Kosovo under UNSCR 1244/99 2009 Progress Report*)

References:

European Commission (14 October 2009) *Kosovo under UNSCR 1244/99 2009 Progress Report*

<http://www.ein.org.uk>

(Accessed 11 October 2010)

This is a subscription database

Freedom House (3 May 2010) *Freedom in the World 2010 – Kosovo*

<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7972>

(Accessed 11 October 2010)

Kosova Women’s Network (27 April 2010) *Kosova Women’s Network Annual Report 2009*

<http://www.womensnetwork.org/images/pdf/KWN%20Annual%20Report%202009.pdf>

(Accessed 11 October 2010)

Organization for Security and Co-Operation in Europe (25 November 2009) *OSCE Mission urges Kosovo courts to take swifter action in domestic violence cases*

<http://www.ein.org.uk>

(Accessed 11 October 2010)

This is a subscription database

UNHCR (9 November 2009) *UNHCR’S Eligibility Guidelines For Assessing The International Protection Needs Of Individuals From Kosovo*

http://www.ecoi.net/file_upload/90_1257857081_kos20091109unhcr.pdf

(Accessed 11 October 2010)

United States Department of State (11 March 2010) *2009 Human Rights Report: Kosovo*

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136039.htm>

(Accessed 11 October 2010)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted:

Amnesty International

BBC News

European Commission

European Country of Origin Information Network

Freedom House

Human Rights Watch

International Crisis Group
International Federation for Human Rights (FIDH)
Immigration and Refugee Board of Canada
IRIN News
Kosova Women's Network
Lexis Nexis
Organization for Security and Co-Operation in Europe
Refugee Documentation Centre Query Database
United Kingdom: Home Office
UNHCR
UNHCR Refworld
UN News Service
United States Department of State