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Information regarding state or other protection available against spousal abuse (of women)

A February 2009 report from the *United States Department of State* under the heading 'Women' states:

"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. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties, close-knit communities, and the backlog of cases in both civil and criminal courts added to the low rate of prosecution.

As with rape, domestic violence remained a significant problem that was underreported. In July 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." (United States Department of State (25 February 2009) *2008 Human Rights Report: Kosovo*)

The same report continues:

"The KPS reported that 21 domestic violence victims were housed in shelters between January 1 and June 30. The Center for Protection of Women and Children provided assistance to 63 victims of domestic and sexual violence between January and September 24. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 646 domestic violence cases between January and June. Convictions in such cases 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.

There were no governmental agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGOs running shelters for domestic violence victims, which also accommodated some trafficking victims. The ministry provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape" (ibid)

The report also adds:

“During the year a 24-hour anonymous hotline for reporting domestic abuse operated in Pristina, Gjilan/Gnjilane, Peje/Pec, Prizren, and Mitrovica/Mitrovica. The hotline provided assistance to 582 victims during the year; it received 446 calls related to domestic violence, 27 to trafficking cases, 25 to child mistreatment, and 35 to sexual mistreatment. The hotline informed callers of their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape. There were no reports that the KPS responded inappropriately to rape or domestic abuse allegations.” (ibid)

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)

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

The same report adds:

“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 report from the *European Commission*, under the heading ‘Economic and social rights’ states:

“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

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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

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Electronic Immigration Network
European Country of Origin Information Network
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United Kingdom Home Office
UNHCR
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