

Kosovar Civil Society Report to the United Nations On Violence against Women in Kosovo

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I. Background / Problem

Since the war ended in 1999, Kosovars have dealt with the issue of violence against women on three fronts. First, similar to other 20th century conflict situations, violence and war rape – especially towards women – were used by the Serbian regime in Kosovo.² Second, the Kosovo Force (KFOR) NATO peace-keeping troops, United Nations Mission in Kosovo (UNMIK), and UN Police brought with them a burgeoning market for prostitution, which led to an increase in the number of locally and internationally trafficked women in Kosovo.³ Third, violence against women increased after the war. Lack of social infrastructure such as power outages increased opportunities for violence to occur. Also, the poor economic situation, post-war trauma, and depression among men – whom international humanitarian agencies failed to support as much as women in post-war healing processes – led to an increase in domestic violence.

Establishing legal mechanisms to deal with violence against women presented unique challenges in Kosovo. While parliamentary elections in 2001 transferred some power to the Provisional Institutions of Self-Governance (PISG), UNMIK – specifically the Special Representative to the Secretary General (SRSG) – retains ultimate governing power, answering only to the Security Council. This means that all legislation in Kosovo must be first passed by the assembly and then signed by the SRSG.⁴ With power shared between UNMIK and the PISG, it is difficult to determine which body to hold accountable for implementing legislation, and both often shirk responsibility. Further complicating the situation, if new legislation has not been passed, Kosovars abide by the old Yugoslav legislation. Thus, Kosovars can be answerable to three different legal systems: international conventions to which the UN adheres,⁵ newly promulgated legislation, and any withstanding Yugoslav legislation. The ambiguity as to which legal mechanism to use makes it difficult for the average Kosovar to know where to turn for legal assistance.⁶ Thus, despite all the legal mechanisms in place, the ultimate problem lies with implementation.

¹ This input on behalf of Kosovar women in civil society was initiated and written by the Kosovar Gender Studies Center (KGSC). However, the center benefited greatly from the input it received from experts in this area from Asebe, the Center for Protection of Women and Children (CPWC), Kosovo Women's Network (KWN), Safe House, Liria, and Women's Wellness Center, non-governmental organizations in Kosovo.

² CPWC estimates that at least 20,000 women and girls were victims of war rape.

³ See Amnesty International report, *Kosovo (Serbia and Montenegro) "So does it mean that we have the rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*. May 6, 2004.

⁴ Women in civil society have played a large role in drafting and successfully advocating for the passage of a number of important legal mechanisms in Kosovo:

- Regulation No. 2003/12 – 7 May 2003 on Protection against Domestic Violence
- Regulation No. 2004/32 – 20 August 2004 on the Promulgation of the Anti-discrimination Law. Adopted by the assembly, Kosovo Assembly Law No. 2004/3 against Discrimination, but not yet signed by the SRSG.
- Law on Marriage and Family Relations (Official Gazette of SAP of Kosovo 1984 No. 10)

⁵ Since UNMIK ultimately governs Kosovo, Kosovo is party to international conventions, including:

- Convention Eliminating Discrimination against Women (CEDAW) – in Kosovo's constitutional framework.
- The Protocol to Suppress and Prevent Trafficking of Women and Children
- The Charter of the United Nations

⁶ To address this problem, KWN recently led a "Know Your Rights" campaign that used culture and theatre to simplify the legal mechanisms so that the average Kosovar could understand his or her rights. For more information, please see www.womensnetwork.org.

II. Good Practices: Kosovar Women in Civil Society Combat Violence against Women

Kosovar women in civil society advocate for legislation against violence against women; provide counseling and aid to support women who suffer from violence; and raise awareness about the issue. A few examples of good practices follow.

Good Practices on Behalf of Safe Houses

Immediately following the war, CPWC assisted 1,960 victims of war rape, including 29 young women who were helped to abort forced pregnancies from the war.⁷ Kosovar women in civil society have successfully established and maintained five safe houses in different regions of Kosovo. While some data has been published,⁸ little data exists at the Kosovo-wide level because the safe houses are so new. Based on a study by KGSC, to be published in early 2006:

- 90% of women in safe houses are from Kosovo. 10% are from the Balkans or other regions.
- 60-70% of residents return to their spouses due to a lack of financial independence.
- 90% of residents are unable to secure employment after leaving the safe houses.
- 82% of internally trafficked victims are minors from Kosovo who do not attend school or dropped out of school.

The safe houses have succeeded in:

- Securing strong support from their communities in not revealing their locations.
- Establishing a number of services for victims, which include health, psychological and HR counseling, legal support, vocational training, childcare, and programs in local schools to educate boys and girls about domestic abuse and gender-based violence.
- Cooperating closely with the police force, KFOR, and Social Welfare Centers in combating trafficking and violence against women.

KWN Campaign against Violence against Women

In 2001, KWN – a network of more than 77 women’s NGOs across Kosovo – coordinated a “Campaign against Violence against Women.”⁹ The campaign utilized art and theatre to increase public knowledge about the problem of violence against women, including domestic violence, rape during wartime, date rape, trafficking, and prostitution. Kosovar activists composed eight songs and wrote six monologues based on true stories, which were performed by famous actors and singers throughout Kosovo. By raising awareness, KWN sought to curb the increase in trafficking of women, help women gain courage to break out of violent situations, and explain services available to victims of violence. Rather than end in tragedy, the pieces empowered “victims” to overcome social prejudices, find support from people or institutions, and become “survivors.” The campaign led to an increase in police reports against violence as well as a decline in harassment in the workplace. KWN organized a similar campaign in 2005 to increase the general population’s awareness of their legal rights under different gender equality mechanisms.

Lilja Forever Campaign¹⁰

In 2004, a coalition of local and international organizations coordinated the “Lilja Forever” awareness-raising campaign about the trafficking of women and girls. The campaign was based on the film “Lilja Forever” by Swedish Director Lukas Moodysson, which describes the life and experiences of a young woman from Central and Eastern Europe who became a victim of sex trafficking. The film was screened throughout Kosovo and followed by discussions. The campaign increased awareness of the sex trade among politicians, police officers, authorities, social workers, journalists, and the public.

Legal Support

In Kosovo, women in civil society have organized legal support for victims of violence. At first, when suspects for committing violence against women were sent to trial, judges were “blaming the victim.” For example, a

⁷ See *Relationships Between ICTY and NGOs: A bitter experience*, published by CPWC, 2003.

⁸ See CPWC annual reports and studies.

⁹ For more information about this campaign, see the KWN website: www.womensnetwork.org.

¹⁰ Immediately after the war, local activists informed the UN of the increase in trafficked women, but they were ignored. Activists lobbied for UNMIK to design a code of conduct forbidding employees to visit brothels. UNMIK created a list of places employees were not allowed, but employees using sex services identified new bars or went through pimps instead. With ongoing demand, the trafficking of women has continued in Kosovo.

young girl testified against a man who had raped her. The first question asked in the trial was, “What did you wear that day?” Activists reacted by creating a system through which witnesses received women lawyers who knew the law and could provide assistance. Women in civil society, such as Norma Lawyer’s Association and Women’s Association in Gjakova, continue to provide **free** legal assistance to victims of violence.

Kosovar women’s activists also organized to send women who were raped during the war to testify at The Hague. Victims/witnesses were not provided protection after the trial against Milosevic on Kosovo. Kosovar women’s NGOs networked globally to send witnesses to third countries for protection.¹¹

Addressing Post-War Trauma among Men and Women

Following the war, Kosovar activists provided psycho-social support to victims of violence. Activists noticed significantly lower levels of violence against women in areas where activists made a concentrated effort to work with traumatized men as well as women after the war. For example, in one region, a women’s organization brought men from around the world to speak with Kosovar men to heal trauma. In this region, there were and still are noticeably lower numbers of domestic violence.¹²

III. Recommendations

The **Kosovar government** can better address violence against women by:

- Continuing to cooperate with women activists and civil society organizations in drafting, approving, and most importantly, implementing legislation that addresses violence against women.
- Institutionalizing safe houses and allotting funds from the Kosovo Consolidated Budget for increased space and support to victims. A lack of funding and space has forced safe houses to shorten stays or even turn women away.
- Encouraging municipalities to better support safe houses.
- Allocating funds and cooperating with the police force and safe houses to establish a coordinated witness protection system.
- Cooperating with UNMIK to create a system through which safe house residents can find jobs and become economically independent. Since they cannot financially sustain themselves, they often have to return to violent living situations.

As a governing authority in Kosovo, the **United Nations** could assist this process by:

- Pressuring UNMIK to sign needed legislation that addresses violence against women. And, more importantly, to cooperate with the local government to implement legislation on violence against women.
- In accordance with Security Council Resolution (SCR) 1325 Article 6, demanding that peace-keeping troops and UN representatives undergo in-depth training in how to prevent violence against women and trafficking.
- In accordance with SCR 1325 Article 11, establishing and implementing tougher rules for individuals within UN missions, under which they would suffer severe consequences if found participating in the trafficking of women, harassment, or other forms of violence against women.
- While researching the topic, working directly with research institutes within each country, which are more aware of the local situation and can provide better access to data.

Based on Kosovar women in civil society’s experience, **local and international NGOs** can address violence against women by:

- Continuing to support and train the local police force, judges, media, and prosecutors so that they can identify situations of violence, know how to work with women who have experienced violence, and provide safety and assistance to victims.
- Using art and culture or other popular communication tools to better explain legal mechanisms against violence against women to the general population.
- Involving **both** men and women in programs to address trauma after conflicts and war.

¹¹ CPWC advocated and developed campaigns to ensure protection to victims after trials because they and their families were not safe to return home.

¹² Based on yearly reports by Motrat Qiriazhi. One expert disagreed, based on her experience with CPWC.