

Implementing perpetrator programmes in Kosovo*

Policy Brief

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Summary

Domestic violence and violence against women remain widespread in Kosovo*. Since the 2020 constitutional amendments, the Istanbul Convention is directly applicable, meaning it takes priority over local laws and policies. Although the Istanbul Convention highlights the importance of setting up perpetrator programmes as a preventative measure to reoffending, as of now, there are no such programmes established by public institutions fulfill the requirements of Article 16. This policy brief is intended to support the implementation of programmes for domestic violence perpetrators by local authorities. The brief provides an overview of the current situation and advocates for concrete practical and policy measures towards reforming the existing legislative and policy framework. Finally, it recommends steps to be considered by all relevant institutions, particularly the Ministry of Justice, towards setting up perpetrator programmes. In addition to referring to international human rights law and good practices, the brief takes into consideration the specificities of the local context.

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The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

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*All reference to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

1. Introduction

1.1 Background

In 2020, the Kosovo* Assembly voted to include the Council of Europe Convention on Preventing and Combating Violence against women and domestic violence (Istanbul Convention) within its Constitution. Hence, as of September 2020, the Istanbul Convention is directly applicable in Kosovo* and has priority over local laws and policies. Under the heading "Prevention" (Chapter III), Article 16 of the Istanbul Convention requires State parties to set up "preventive intervention and treatment programmes", with a gendered approach and in close co-operation with women's support services. The Council of Europe project "Reinforcing the fight against violence against women and domestic violence in Kosovo* - Phase II (2021-2022)" has published the research "Setting up Treatment Programmes for Perpetrators of Domestic Violence and Violence against Women. Analysis of the Kosovo* legal framework and good practices report". This study aimed at assessing the situation with regard to the treatment of perpetrators in Kosovo*, primarily addressing gaps and shortcomings in the conception and application of measures targeting domestic abusers. Most recommendations included in this policy brief stem from this report.

Article 16 of the Istanbul Convention

Article 16 requires the implementation of treatment programmes for perpetrators, with the aim of "help[ing] perpetrators change their attitudes and behaviours in order to prevent further acts of domestic violence and sexual violence". According to this provision, parties to the Convention:

1. "[...] shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns".
2. "[...] shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending".
3. "[...] shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims".

1.2 Rationale

During its first evaluation round of countries that have ratified the Istanbul Convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) has repeatedly underlined that perpetrator programmes should be based on a gendered understanding of violence and should not be considered as an alternative to criminal proceedings. State parties to the convention have been encouraged to implement uniform minimum standards aimed at prioritising women's and children's safety.

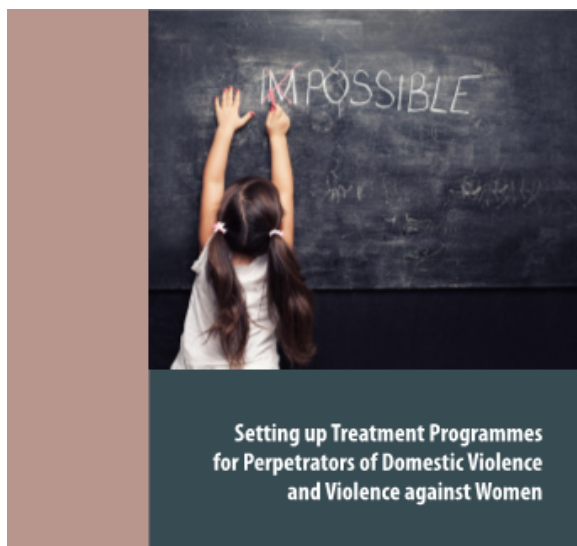
In line with international standards, perpetrator programmes should primarily encourage participants to take responsibility for their actions and examine their attitudes and beliefs towards women. State parties should ensure adequate training of facilitators, with particular regard to their understanding of domestic violence. As illustrated by the Istanbul Convention's Explanatory Report, professionals also need to possess the necessary cultural and linguistic skills to enable them to work with a wide variety of participants.

GREVIO has indicated that establishing close co-operation between perpetrator programmes and other entities, such as women's support services, law enforcement agencies, the judiciary, probation services and child protection is essential. States parties are welcome to adopt different approaches as long as the programmes prioritise the victims' safety: in this regard, the Istanbul Convention Explanatory Report carefully warns about the risk that perpetrators' participation in these programmes may influence the victim's decisions to stay with or leave the abuser or provide the victim with a false sense of security. As a result, priority consideration must be given to the needs and safety of victims, including their human rights.

2. Preperator Programmes in Kosovo*

Research conducted by the Council of Europe has demonstrated that **perpetrator programmes**, as required by the Istanbul Convention, **are not currently available in Kosovo***. Neither anger management programmes in detention centres, nor mental health treatment offered in psychiatric hospitals, meet the international standards in this field. **Protocols or agreements with women's support services**, aimed at ensuring the victims' safety and protection, are missing. Current legislation and policies focusing on perpetrators **lack both a gender perspective and a comprehension of domestic violence as a public matter**. The **prevalence of a medical approach** focusing on individual cases of perpetrators with

mental health issues or with problems of addiction fails to address male violence against women as a social phenomenon linked to gender-based structural inequalities. Some experimental initiatives targeting perpetrators do exist, including a project started by the **Safe House in Gjakova** and a programme set up by the **Center for Counseling, Social Services and Research - SIT in Pristina**, but these are isolated pilot projects that have evolved without sharing experiences or elaborating common guidelines for practice.



Analysis of the Kosovo* legal framework and good practices report



2.1 Current situation

Legislative and Policy framework

- Current legislation on perpetrator programmes does not comply with the requirements of the Istanbul Convention and fails to intercept a wider spectrum of domestic abusers, beyond those with substance abuse and mental health issues
 - Standard Operating Procedures (SOPs) with regard to the work with perpetrators of domestic violence are currently limited to compulsory health treatment from drugs and alcohol or to psychosocial treatment and compulsory medical treatment.
 - Although several policy documents foresee the establishment of perpetrator programmes, such services have not been implemented due to a lack of knowledge, funding and infrastructure.
 - Perpetrator programmes are not included in existing Municipal Coordination Mechanisms.

Access to Perpetrator Programmes

- Specific perpetrator programmes are available only in Pristina and in Gjakova.
 - Referral can only be made on the basis of a court order or as a protective measure.
 - The estimated number of perpetrators attending compulsory treatment is low.
 - Anger management is available in prison, but no specific programmes exist for DV perpetrators.
 - Access to health institutions providing treatment is limited and does not comply with international standards.

Coordinated Policies and Cooperation with Women's Services

- Lack of inter-institutional coordination is a major obstacle in the response to domestic violence.
 - The work with perpetrators is not integrated into the inter-institutional response to domestic violence.
 - Even in the case of experimental practices in Gjakova and Pristina, no formal agreements or specific partner-contact procedures have been established in order to reach women exposed to DV.

Gender Perspective and Compliance with International Standards

- Treatment currently available is not based on a gendered understanding of domestic violence.
 - Perpetrators of domestic violence are often equated to other common offenders.
 - Treatment programmes are currently reduced to alcohol and substance abuse, anger-management, or medication.
 - Existing programmes currently aim at reconciling partners or at offering mediation between spouses.
 - Action to contain men's violence is currently not coupled with the protection of victims' human rights and safety.

Local Standards and Guidelines

- Uniform standards and guidelines do not exist.
 - Professionals do not follow specific protocols for action, which entails risks for the victims.
 - Existing experimental initiatives have operated in isolation without sharing experiences or elaborating common guidelines for practice.

3. Priority areas and Recommendations

I. Legislative and Policy Framework

Step 1. Include Perpetrator programmes in the Law on Protection from Domestic Violence

In the process of amending the previous Law on protection from domestic violence, include specific measures targeting perpetrators in the upcoming “Law on protection against domestic violence, violence against women and gender based violence”. A specific article titled “Perpetrator Treatment Programmes” should be included in the text of the new Law, to highlight that perpetrator treatment can be issued together with other punitive or preventative measures. The article should make explicit reference to more detailed procedures outlined in a new specific Administrative Instruction.

Step 2. Outline detailed procedures in an Administrative Instruction.

A specific Administrative Instruction should be dedicated to the treatment of perpetrators of domestic violence, in line with the Istanbul Convention, outlining the procedures for both mandatory and voluntary programmes. It should ensure referral at different stages of the court procedure, for all kinds of domestic violence perpetrators, not limited to offenders with specific problems. Perpetrators with specific issues (mental health issues, drug and alcohol addictions, unemployment, etc.) should be first rather referred to specific services addressing those issues before entering a programme for perpetrators of domestic violence. The Administrative Instruction should make clear that perpetrator programmes cannot be reduced to alcohol and substance abuse, anger-management, or medical treatment. The Administrative Instruction should also establish transparent licensing criteria as well as indicate the agency responsible for accreditation of the programmes.

Step 3. Introduce specific guidelines in the Standard Operating Procedures (SOPs)

The SOPs establish a coordinated system throughout institutions in Kosovo* on how to swiftly react to domestic violence cases, protect the victim and sanction the perpetrator. Specific guidelines on how to ensure perpetrator

treatment should be included in the new and revised SOPs. The SOPs should detail specific actions to establish an effective referral system, information exchange, and coordinated risk assessment among different services and ministries. They should also develop procedures to set up ad hoc protocols between perpetrator programmes and women’s support services. It is of paramount importance that the SOPs make clear that perpetrator programmes are not aimed at reconciling partners or at offering mediation between spouses. Specific procedures for risk assessment and risk management, to be conducted at set times, should also be included in the SOPs.

II. Prevention

Step 1. Awareness raising

Develop awareness raising initiatives to promote gender equality and inform the general public of the different forms of gender-based violence and their impact on victims and on society as a whole. In particular, take action to inform the general public about the existence of perpetrator programmes (availability, access procedures, aims and expected results).

Step 2. Target men and boys

Design specific campaigns targeting men and boys, aimed at questioning traditional gender roles and at promoting non-violent respectful masculinity.

Step 3. Education

Encourage gender equality initiatives at all levels of education, from preschool to university, in formal and informal settings (including in peer-to-peer education, sports, religious communities, etc.).

Step 4. Training of professionals

Provide training opportunities (initial and in-service trainings) to all categories of professionals, including frontline professionals, dealing with both victims and perpetrators. A particular focus on how to identify and deal with perpetrators of domestic violence would be of paramount importance.

III. Set up a structured curriculum for perpetrator programmes

Step 1. Conceive the curriculum

Based on requirements outlined in the Istanbul Convention and on international standards and guidelines, conceive and set up a structured curriculum for perpetrator programmes to be implemented in Kosovo* (in the community, within probation and correctional services, in prison). The curriculum should acknowledge that domestic violence is closely linked to existing structural gender inequalities and is used by men to exert power and control over their partners. The curriculum should be prepared by a group of experts, in close cooperation with the Working Group on Perpetrator Programmes.

Step 2. Establish a Training of Trainers (ToT) and enhance the capacity of all frontline professionals

All professionals directly or indirectly working with perpetrators should be aware of the risks and challenges of this task. A cycle of Training of Trainers (ToT) would allow the development of specific knowledge and competences on perpetrator programmes as well as the qualification of a group of facilitators. The ToT should be held by licensed professionals who have experience working with perpetrators and who are familiar with the curriculum.

Step 3. Pilot the curriculum

Establishing an experimental phase would allow for the curriculum to be applied and evaluated. Following the ToT the curricula should be piloted at least twice. The potential starting points for the piloting could be (1) in the community (voluntary participation in the programme), (2) in probation and correctional services (mandatory), (3) in prison (with convicted offenders, participating on a voluntary basis). A team of researchers in charge of observing and evaluating the programme outcomes could possibly identify potential challenges, gaps, shortcomings and lessons learned.

Step 4. Evaluate the pilot courses. Revise and validate the curriculum

Based on the first evaluations of the pilots, the structure and content of the curriculum could be modified in order to deliver an updated version of

the curriculum, to be submitted for discussion, and final validation by, the Working Group.

Step 5. Draft national guidelines

Following the pilots' evaluation and based on lessons learned from practice, draft national licencing guidelines for perpetrator programmes.

Step 6. Further Capacity Building

Provide capacity-building opportunities for different categories of professionals and establish a specific certification for individual professionals. Support study visits, training exchanges and meetings with professionals from other countries. Additionally, resort to the experience and support of the Work With Perpetrators European Network (WWP EN).

IV. Additional Recommendations

Encourage coordinated policies and cooperation with women's services

- Encourage specific agreements between perpetrator programmes and other entities.
- Adopt a comprehensive approach: focus on women, children and perpetrators.
- Set up ad hoc protocols between perpetrator programmes and women's support services.
- Ensure coordinated data collection by all institutions involved.
- Establish monitoring and evaluation mechanisms.
- Regularly evaluate the lessons learned from the programmes.

Develop local standards and guidelines

- Conduct a needs assessment in the area in order to meet the local needs.
- Develop standards to harmonise existing experiences, in line with the local context.
- Define specific guidelines and structured curricula for perpetrator programmes.
- Establish transparent licencing criteria for programmes.
- Develop a network.
- Collect and share gender disaggregated data.
- Exchange information and practices among institutions and with other national networks.