

NEEDS ASSESMENT REPORT

Quality guidelines for shelters in support of victims of
violence against women and domestic violence in Kosovo*



**Council of Europe project on “Reinforcing the Fight
Against Violence against Women and Domestic
Violence in Kosovo * – Phase II”**

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Phase II”

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List of Abbreviations

DV	Domestic Violence
VAW	Violence against Women
SOP	Standard Operating Procedures
MLSW	Ministry of Labour and Social Welfare
AGE	Agency for Gender Equality
NGO	Non-Governmental Organisation
EU	European Union
CSW	Centers for Social Work
DSFP	Department of Social and Family Policy
AI	Administrative Instruction
CEDAW	Convention for Elimination of All Forms of Discrimination against Women
RCC	Rape Crisis Centre
SVRC	Sexual Violence Referral Centre

1. Introduction

- a. In order to assess the needs for development of guidelines for shelters providers of services for victims of VAW and propose the methodology and next steps, the research initially looked at relevant laws, by-laws and policies in social service delivery in Kosovo, the role of shelters according to Kosovo applicable legislation in delivering services to victims of DV and other forms of abuse when applicable as well current mechanisms under Kosovo legislation responsible to provide protection and assistance to women victims of violence in Kosovo. In addition, one focus group with key relevant stakeholders was held Council of Europe Office in Pristina in November 2019 and two follow up meetings with shelter representatives from Pristina and Gjilan/Gnjilane were conducted during December 2019. Note: Full list of reports assessed including relevant international and local reports is cited under full list of references.

The following legal and strategic documents were reviewed:

1.1 Legislative, normative and policy documents:

- Law on Family and Social Services No. 02/L-17:
- Law on amending and supplementing the Law No. 02/L-17 on Social and Family Services;
- Law No. 03/L-182 on Protection from Domestic Violence in Kosovo, 2010.
- Law No. 03/ L- 040 on Local Self Government;
- Kosovo Law No. 03/ L- 049 on Local Government Finance;
- Ministry of Labour and Social Welfare (MLSW) Strategic Plan 2018-2022;
- Government Administrative Instruction No. 17/2013 for the Licensing of the Legal Entity/Organizations that provide Social and Family services;
- Regulation Ministry of Finance Nr - 04/2017 On Criteria, Standards And Procedures On Public Funding Of NGO's;¹
- Standard Operating Procedures for Protection from Domestic Violence (SOP's);
- Ministry of Labour and Social Welfare Sectorial Strategy 2018-2022;

¹ Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=14831>

1.2 Discussions with a focus group of stakeholders with the following key informants:

- Mr. Mentor Morina, Acting Head of Department for Social and Family Policies, MLSW;
- Ms. Adile Shaqiri, Head of Division for Social Services, MLSW
- Mr. Naim Qelaj, National Coordinator against Domestic Violence in Kosovo, Vice-Minister of Justice;

- Edi Gusia, Head of Agency for Gender Equality of Kosovo
 - Shelter representatives:
- Erblina Dinarama- Director of Safe House Gjakova Shelter,
- Sakibe Doli- Former Director of Safe House Gjakova Shelter, Consultant for the Shelter;

Follow-up separate meetings with shelters:

- Zana Hamiti- Director of Pristina Shelter for DV victims, Centre for Protection of Women and Children;
- Nazife Jonuzi, Director of Gjilan/Gnjilane Shelter;

1.3 Training materials and other relevant assessments:

- Case Management Manual for Shelters of Domestic Violence, funded by EU Office, implemented by UNWOMEN Office in Kosovo and Safe House Gjakova, November 2018;
- Assessment on the Level of Implementation of the Kosovo SOP's for Protection from Domestic Violence, Agency for Gender Equality (AGE), September 2019.

2. Main desk research findings

2.1 Social Services in Kosovo and the role of shelters

Social Service provision in Kosovo is defined under the Kosovo Law on Family and Social Services, No. 02/L-17 adopted in 2005.² In 2012, the law was further amended and supplemented with the Law No. 04/L-081 defining the social service structures and competencies in more detail. Currently, the Ministry of Labour and Social Welfare, has also initiated a comprehensive review and amendment of this basic law and a working group has been formed to prepare a draft.³

— The MLSW is the main body at central level that is mandated by law to oversee the implementation and delivery of social services including by municipalities.⁴ Detailed division of competencies on social services and social assistance have been delegated under the so called “decentralisation package” and defined further in the Memorandums of Understanding signed in between the MLSW, municipalities, Kosovo Ministry of Finance and Ministry of Local Government Administration in 2009.⁵

— The provision of social services under Kosovo law includes a number of responsibilities related to care for vulnerable communities including domestic violence and human trafficking victims, foster and child care, care for the elderly and registration and licensing of care centres and also includes defining procedures for personnel hiring and capacity building, mainly foreseen as municipal responsibilities under Article 1 of the Law on Family and Social Services.⁶ Further, few competencies on social services even though transferred to municipalities are managed and overseen by the Ministry. The amended Law on Family and Social Services in 2012, also reinstates under Article 2.5 that the MLSW remains responsible for specifying the professional standards of Social and Family Services that must be met by municipalities, including the categories and number of professional staff to be employed. Under the Basic Law on Social Services of 2005, the Ministry continues to mandate the categories and numbers of staff to be hired by CSW’s. Additionally, the task of monitoring the quality of services delivered by municipalities remains under the responsibility of MLSW. The MLSW has consolidated its central structure in managing social protection schemes in Kosovo. The mandate to manage, monitor and inspect social protection schemes is the responsibility of the Department of Social and Family Policy (DSFP).⁷

— The MLSW has also the final authority to oversee the licensing and professional performance of locally based NGOs that provide services to vulnerable groups including victims

2 See Kosovo Law on Family and Social Services, available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2447>.

3 Discussion with Focus Group stakeholders at Council of Europe Office in Pristina with representatives of MLSW, November 2019.

4 See further project of the EU Support to the Ministry of Labour and Social Welfare in Strengthening the Mechanism for Implementation of Social Services Decentralization; Review of Decentralization and Laws: The Way Forward for Enhancing Social Service Delivery in Kosovo, Qosaj-Mustafa, Ariana and Dibrani, Selvete, 2015.

5 Explanatory letter issued by Ministry of Economy and Finance titled “Authorization Letter for transferring the budget and the respective staff on key roles and competencies of Centres for Social Work from MLSW to respective municipalities in 2009. Letter quoted in EU Report Review of Decentralization and Laws: The Way Forward for Enhancing Social Service Delivery in Kosovo, Qosaj-Mustafa, Ariana and Dibrani, Selvete, 2015, not available online. Copy with authors.

6 Under Article 1, the basic law defines Social and Family Services as the provision of direct social care, counselling, or, in exceptional circumstances, material assistance, for the benefit of people in need. Furthermore, persons in need are listed as persons in need of social services because they are children without parental care; children with antisocial behaviour; juvenile delinquents; persons from disordered family relationships; elderly persons; persons with physical illness or disability; mental disability or mental illness; vulnerability to exploitation or abuse; domestic violence and human trafficking; addiction to alcohol or drugs abuse; persons from natural or other situations of disaster or emergency, etc.

7 The Department in its organizational structure includes: Division for Social Policy, Division for Social Planning and Inclusion, Division for Social Services, Division for Social Assistance and Division for Disability and the Elderly, and is also responsible for overseeing Centers for Social Work (CSW) since decentralization in 2009 are responsible for providing social and family services in Kosovo. See MLSW Strategic Plan 2018-2022, available at <https://mpms.rks-gov.net/wpdm-package/strategjia-sektoriale-2018-2022/>

of gender-based violence. Furthermore, the MLSW through a public call advertises the need to outsource social services and decides for funding of NGOs. It also executes and oversees the reporting of licensed NGOs selected by the Ministry as social service providers in respective municipalities.⁸ Currently, there are 20 NGOs licensed by the MLSW out of which nine NGOs have been licensed and contracted as service providers for sheltering victims of gender-based violence and another 11 NGO's providing social services in general.⁹

— During licensing of NGO's to provide social services the MLSW is also obliged to develop criteria in order to license the respective NGOs. As required by the basic Law of 2005 on Family and Social Services, the licensing procedures for individuals providing social and family services as well as other organisation providers such as shelters, has been completed. By December 2019, there are 900 licensed individuals to provide social services and 20 licensed NGO's. Additionally, there are another 22 minimal standards policies have been adopted by the MLSW for provision of social services.¹⁰

— Further, the licensing procedure for legal bodies that provide social services is regulated with the Administrative Instruction (AI) for Licensing of the Legal Entities /Organisations that provide Social and Family Services no. 17/2003 issued by the MLSW.¹¹ Majority of the roles and procedures for provision of assistance and protection for victims of domestic violence in Kosovo are defined under specific laws that are also reflected under the Kosovo Standard Operating Procedures for Protection from Domestic Violence (SOP's), adopted in 2013. Currently, the Agency for Gender Equality has undertaken the revision and update of the SOP's.

— Currently, the NGOs licensed and funded by the MLSW continuously complain about the funding afforded over the years that remains fixed and has not taken into account their client-based needs in order to calculate the allocated funding appropriately. For example, the victims assisted by the shelter providers remain in one municipality, however victims assisted in the wider region are made up from few municipalities. Also, the current legal framework also does not allow for the coverage of salaries for licensed individuals working with the state licensed NGOs.

2.2 The role of shelters in social service delivery under Kosovo laws and policies

— According to Kosovo's Constitution and the Law on Local Self Government, Kosovo currently has 38 municipalities. Within the legal framework, the municipalities are authorised to exercise own competencies, delegated and enhanced competencies (health, education). Social services are defined as own competencies for municipalities.¹²

— In relation to social services, defined as own competences of the municipalities, social service delivery has been found to face serious challenges in Kosovo. For example, it has been evaluated that Kosovo institutional delivery on social services is the lowest in the region and is also below the level of the states that have recently joined the EU, for example with Croatia.¹³ Further, it has been found that municipal run Centre's for Social Work (CSW), do not have sufficient human not budgetary resources and also have insufficient qualified staff to

8 Article 3, paragraph 3.3, sub-paragraph (b.a) and Article 2.10 of the Kosovo Law on amending and supplementing the Law No. 02/L-17 on Social and Family Services.

9 Ministry of Labour and Social Welfare Strategy for 2018-2022. See at <https://mpms.rks-gov.net/wpdm-package/strategjia-sektoriale-2018-2022/>

10 See MLSW Sector Strategy and also discussion with MLSW representative, December 2019.

11 AI for Licensing of the Legal Entity/Organisation that provide Social and Family Services no. 17/2003 issued by the MLSW, approved on December 2013. Available at: <https://mpms.rks-gov.net/Portals/0/Liqji/Sekondar/248-Udhez.Adm.nr.07.13.pdf>. The AI regulates procedures and requirements for issuance of the license to legal persons providing social services. The AI specifically regulates issues with regard to the documents required to issue the license by the Ministry, and defines the responsible authority to license, inspect, monitor and renew the license.

12 See Kosovo Law on Local Self Government and the Law on Local Government Finance.

13 Draft Strategy for Local Finance in Kosovo, drafted by Fiscal Decentralisation Working Group of Ministry of Finance, revised September 2015.

adequately fulfil their mandate.¹⁴ Among municipalities, the number of licensed social service providers is significantly different and the number of beneficiaries per social worker is higher than required by the minimum set standards. In such cases both CSW's and MLSW can out-source its social service provision and contract NGO's to provide such services.¹⁵

— Furthermore, the CSW's especially those operating in medium or small municipalities, often lack specialized staff such as psychologists, legal officers, sociologists, educational staff, and even social workers for providing customized services.¹⁶ This has also made the central government reluctant to provide further autonomy in provision of social services to municipalities including funding or staffing support.¹⁷

— Under Article 8 of the Kosovo Law on Family and Social Services, the role of the non-governmental sector in assisting and protecting persons in need including families and children are defined as legal entities. Further, the law encourages local or international organizations to provide Social and Family Services. These services can be provided either on their own initiative (with support of donors) or under contract, on behalf of the municipal Directorate in the case of local services, or the Department of Social Welfare of the Ministry of Labour and Social Welfare (MLSW) when the need arises to provide Kosovo wide services.¹⁸ Therefore, NGO's providing social and family services are foreseen to register with the appropriate authorities and undergo licensing by the Department of Social Welfare by agreeing to adhere under the regulations and procedures laid down by the Ministry.¹⁹ The MLSW is permitted to enter into contracts with the NGO's providing family and social services and also municipalities are permitted to enter into contracts with the NGO's to provide family and social services within their municipal territory, in line with the municipalities annual Social and Family Services Plan.²⁰ Accordingly, shelters may also seek municipal authorities support for their funding needs and few have been doing so even though the support provided has been minimal.²¹ In exception there have been few municipalities that have provided Kosovo shelters premises free of charge or have provided the land for shelters to build their premises as in the cases of Gjakova/Dakovica, Peja/Pec, Gjilan/Gnjilane and Pristina municipalities.²²

— Additionally, a number of international human rights standards require states to provide for shelter to victims of domestic violence and VAW. For example, the Committee on the Elimination of Discrimination against Women, through its General Recommendation 19 (1992) reinforcing the Convention for Elimination of All Forms of Discrimination against Women (CEDAW) recommends that "States parties should establish or support services for victims of family violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling." The Committee has recognized that shelters are important part of measures that the states need to support in ensuring the security and safety of survivors of domestic violence. The Committee has further called on states to also undertake a set of legal and other measures necessary to provide ef-

14 Centres for Social Work should act as main governmental social service providers. According to the Law on Family and Social Services, they provide for direct social care, counselling, or, in exceptional circumstances, material assistance, for persons in need. Direct social care means the provision of help with domestic duties, personal care, mobility or supervision. It can be provided in a person's own home, in a specialist day centre or in a residential home. Counselling is a systematic process of providing information, advice and guidance aimed at helping an individual or a family to improve their social or interpersonal circumstances. And material assistance means the provision of money, temporary shelter, food, coverage for medical fees, clothing or any other material necessity for which there is an urgent need and no other sources are available. See Article 1 of the Law on Family and Social Services.

15 Ibid.

16 See MLSW Concept Document for Revising the Law on Family and Social Services, February 2019. Available at <http://www.komfkosova.org/wp-content/uploads/2019/03/Koncepti-Dokumenti-p%C3%ABr-Sh%C3%ABrime-Sociale-dhe-Familjare-Shkurt-2019.doc>

17 Ibid.

18 Kosovo Law on Family and Social Services, Article 8.

19 See further project of the EU Support to the Ministry of Labour and Social Welfare in Strengthening the Mechanism for Implementation of Social Services Decentralisation: Review of Decentralization and Laws: The Way Forward for Enhancing Social Service Delivery in Kosovo, Qosaj-Mustafa, Ariana and Dibrani, Selvete, 2015. See also Kosovo Law on Family and Social Services, 2005 and the amended law 2012.

20 Law on Family and Social Services, Article 8, paragraphs 4,5,6.

21 Mapping support services for victims of violence against women in Kosovo, Council of Europe project on Reinforcing the fight against violence against women and domestic violence in Kosovo, 2017. Available at <https://rm.coe.int/seminar-pristina-report-eng/16807316df>

22 Also quoted in "Accessing Justice for Victims of Domestic Violence in Kosovo: Ending Impunity for Perpetrators," EU Funded project implemented by KIPRED, Artpolis and GLPS, 2018.

fective protection of women against gender-based violence, including by providing protection measures, counselling, rehabilitation and support services for women that are victims of violence or who are at risk from violence.²³ Under Kosovo's Constitution, CEDAW is considered directly applicable human rights standard in Kosovo's legislation and in case of any conflict supersedes any local decision issued by public bodies including courts.²⁴ Accordingly, advanced standards for human rights protection are directly applicable in Kosovo under Article 22 of the Kosovo Constitution, with the recent international advanced standards foreseen under the CoE Convention on preventing and combating violence against women and domestic violence (known as the Istanbul Convention), considered as such.

— Furthermore, the Istanbul Convention which has entered into force in 2014, foresees that institutions should under Article 23 of the Convention "...take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children." Kosovo's National Strategy and Action Plan against Domestic Violence (2016-2020) have also reflected upon the requirements of the Istanbul Convention under its objectives.²⁵

— Overall, an agreement exists that Kosovo does provide for sufficient laws and policies to assist and protect victims of domestic violence more specifically. The national referral mechanism does address particularly the needs of victims of domestic violence and trafficking victims. However, the referral does not provide for specific procedures to be followed when assisting the victims of rape and other forms of abuses. Additionally, there is no existing SOP's detailing the referral for victims of rape as well as no rape or referral centre's addressing needs of victims of rape. Majority of the cases shelters providing assistance to victims of domestic violence assist these cases on temporary basis. As Kosovo has also undergone an extensive revision of the criminal code and has only recently enacted the new Criminal Code of Kosovo in April 2019, existing policies such as the SOP's need to be revised accordingly to incorporate assistance to victims of domestic violence, rape (including marital rape), sexual harassment in line with the new definition of domestic violence, rape and sexual harassment in the Criminal Code of Kosovo. Any changes to the SOPs including the recent changes in the definition of domestic violence crime within the Criminal Code of Kosovo in 2019 should also be reflected in the case referral schemes.

23 See UNWOMEN Supported Study "Shelter for Women and Girls at Risk of or Survivors of Violence" by Canadian Network of Women's Shelters and Transition Houses at <http://www.endvawnow.org/uploads/modules/pdf/1363538451.pdf>. Pages 70 and 71

24 See Article 22 of the Constitution of Republic of Kosovo. Available at <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

25 Available at <https://abgj.rks-gov.net/>.

3. Main findings from focus group and field visits

3.1 Shelter responsibilities in assisting women victims of DV

Kosovo currently operates with nine shelters run by NGO's out of which there are seven shelters providing services to women victims of domestic violence and their children.²⁶ Additionally one shelter provides services for women victims of trafficking in human beings and one shelter offers services to children in need i.e. child victims of abuse including child victims of domestic violence when need arises.²⁷

The following shelters operate in Kosovo:

1. Centre for Protection of Women and Children in Prishtina/Pristina
2. Raba Voca Shelter for Women and Children Mitrovica
- 3.
4. Women's Wellness Centre in Peja/Peč
5. Safe House in Gjakova/Đakovica
6. Center for Sheltering Women and Children in Prizren
7. Liria Shelter in Gjilan/Gnjilane
8. Hope and Homes for Children in Prishtina/Pristina
9. Center for Protection of Victims and Prevention of Trafficking in Human Beings in Prishtina/Pristina
10. Women's Shelter in Zubin Potok

— The shelters above cover the following regions of Kosovo: Peja/Pec, Gjilan/Gnjilane, Gjakova/Dakovica, Prizren, Prishtina/Pristina (three shelters), Zubin Potok (including the region of North Mitrovica), Ferizaj/Urosevac.²⁸ Out of the list of above shelters, seven shelters focus assisting women victims of domestic violence and their children,²⁹ one shelter provides assistance to girls and boys from the age of three up to 18 years old (including also boys above the age of 12 that cannot stay in other shelters after turning 12 years old) and one shelter specifically targets women and girls victims of trafficking in human beings. Generally, the women's shelters provide for safe accommodation for the victims, information and advice, individual counselling for the victims, support and self-help groups, outreach assistance, legal advice, medical and health services and also case advocacy for economic empowerment in certain

²⁶ Male children after turning 12 years old need to leave the shelter. Interview with shelter representative, November 2019. The lack of shelter for children over 12 years of age as shelters under the MLSW rules do not allow their housing together with mothers after the age of 12 years. In these cases, they go to their special accommodation in some other specialized shelters but the separation from the family remains a challenge. The Istanbul Convention also requires that in these cases measures be taken that would not separate children from their parents. See also Assessment on the Level of Implementation of the Kosovo SOP's for protection from Domestic Violence, Agency for Gender Equality, September 2019. Available at [https://abgj.rks-gov.net/assets/cms/uploads/files/Raporti%20ABGJ%20-%20Versimi%20i%20niveletit\(1\).pdf](https://abgj.rks-gov.net/assets/cms/uploads/files/Raporti%20ABGJ%20-%20Versimi%20i%20niveletit(1).pdf)

²⁷

²⁸ Additionally, another shelter run by the Government of Kosovo known as the Interim Secure Facility that is a high security risk shelter provides services to victims of trafficking.

²⁹ Shelters offering assistance to victims of domestic violence i.e. women and their children are: Centre for Protection of Women and Children in Prishtina/Pristina; Raba Voca Shelter for Women and Children in Mitrovica; Women's Wellness Centre in Peja/Pec; Safe House in Gjakova/Dakovica; Center for Sheltering Women and Children in Prizren; Liria Shelter in Gjilan/Gnjilane and Women's Shelter in Zubin Potok. Center for Protection of Victims and Prevention of Trafficking in Human Beings in Prishtina/Pristina provides assistance to women and girls that are victims of trafficking in human beings and Hope and Homes for Children in Prishtina/Pristina providing assistance to boys and girls victims of various forms of abuse in Kosovo from the age of three up to 18 years old.

cases.³⁰ In few cases shelters have reported to provide crisis support, telephone counselling, mediation and couple counselling.³¹

— When compared to the standards set by the Istanbul Convention, the number of shelters continues to be low Kosovo wide. Accordingly, the Istanbul Convention and its Explanatory Report recommends that one shelter should be available per 10,000 inhabitants.³² The Istanbul Convention also requires the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support, and long-term counselling for victims (Article 25). The Explanatory report, in paragraph 142, recommends that one such centre be available per every 200,000 inhabitants and that their geographical spread should make the centres accessible to victims in rural areas as well as cities.³³

— Shelters in Kosovo are licensed and provide their services by only partial financial support of the MLSW. NGO run shelters provide temporary accommodation and protection for victims for up to six months however, numerous cases have been reported that victims have often stayed longer in some instances up to two years. Also Gjakova and Gjilan/Gnjilane shelter have also reported more cases of assistance in reintegration and longer-term rehabilitation including facilitation with municipal authorities to provide for employment of victims, provide skill enhancement courses mainly hairdresser courses, bee-keeping or tailoring courses. Few shelters such as Gjakova/Dakovica and Gjilan/Gnjilane have also reported to provide for social housing in cases when victims can't return to their violent homes due to security reasons and also provide for legal aid and assistance in courts for custody of children or divorce cases.³⁴ Longer-term reintegration and allowing victims to find employment, housing and other means for independent living are rare examples in other regions of Kosovo and/or other shelters.

— Victims can be referred to shelters by different institutions, mainly by the Kosovo Police as enlisted by the Kosovo SOP's, but may also be approached directly by victims.³⁵ Direct report of victims to the shelter seems to be happening rarely as most assistance to victims of DV is offered by the MLSW support only when the victim has been referred by the Kosovo Police and shelters are advised to register every case via the police.³⁶ NGO run shelters house women up to six months, but have reportedly assisted women for longer periods.³⁷ They currently receive financing by the MLSW, donors and in some instances are provided by minimal support by municipal authorities including financial support, equipment or renovation of the shelter house.³⁸ The MLSW call is published according to the criteria set in the Ministry of Finance Regulation on Criteria, Standards and Procedures on Public Funding of NGO's.³⁹

— Generally, shelters are defined as a safe place where victims of domestic violence and their children are granted with temporary accommodation, safety, advocacy and other services. In agreement with MLSW, shelters provide multi-disciplinary programs. As stated in the analysis related to provision of social services according to Kosovo laws, shelters may be government

30 See pg. 34 of the Report "Mapping Support Services for Victims of Violence against Women in Kosovo," CoE Office in Kosovo, June 2017. Available at <https://rm.coe.int/seminar-pristina-report-eng/16807316df>

31 Ibid.

32 Council of Europe, Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, page 43, 2011, at: <https://rm.coe.int/16800d383a>

33 See Krol et al for Council of Europe, Mapping support services for victims of violence against women in Kosovo, 2017.

34 Quoted from "Access to Justice for Victims of Gender-Based Violence in Kosovo: Ending Impunity of Perpetrators," funded by EU Office in Kosovo, implemented by KIPRED, Artpolis and GLPS. Authored by Ariana Qosaj-Mustafa and Donjeta Morina, 2019.

Available at https://eeas.europa.eu/sites/eeas/files/accessing_justice_for_victims_of_gender_based_violence_in_kosovo_eng.pdf. See also Krol et al for Council of Europe, Mapping support services for victims of violence against women in Kosovo, 2017.

35 The procedure is set out under the Standard Operating Procedures for Protection from Domestic Violence (SOP's); specifies the legal roles and responsibilities of each institution in protecting domestic violence victims such as the Kosovo Police, Prosecution, Victim's Advocates, Social Work Centres and Shelters, adopted in 2013, Agency for Gender Equality. Available at <https://abgj.rks-gov.net/Portals/0/Procedurat%20Standarte%20t%20C%20AB%20Vepimit%20p%20C%20ABr%20Mbrotjite%20nga%20Dhuna%20n%20C%20AB%20Familje.pdf>

36 Shelter Representatives interview.

37 Supra note at 4.

38 Interviews with shelter representatives November and December 2019.

39 Available at Official Gazette of Kosovo, at <https://gzk.rks-gov.net>

bodies and non-governmental organisations.⁴⁰ Also, shelters are considered temporary accommodations providing not only protection to the victim but also assistance to the victim in the process of recuperation from domestic violence as well as rehabilitation and reintegration of the victim in society.⁴¹

3.2 Shelter responsibilities according to the Kosovo SOP's

— Majority of the stakeholders and shelters met, have confirmed that the main responsibilities listed for the shelters to assist women victims of violence and domestic violence are based on the Kosovo Standard Operating Procedures for Protection from Domestic, adopted in 2013.

— The mandate of shelters and detailed description for the roles and responsibilities of the institutions and NGO's providing assistance to victims of domestic violence in Kosovo are enlisted under the Kosovo Standard Operating Procedures for Protection from Domestic Violence in Kosovo (SOP's), adopted in 2013.⁴² Worth noting, is that Kosovo currently does not have any other policy addressing other referral mechanisms set out for victims of other forms of abuse including rape or sexual abuse, excluding referral mechanisms for victims of trafficking in human beings. There are currently also no specialised shelters to assist victims of rape such as Rape Crisis Centres (RCC) or Sexual Referral Centres (SVRC) in Kosovo.⁴³ Shelters have confirmed that rape victims would be assisted by their respective shelters providing support to victims of DV, in case of urgency.⁴⁴ Overall, the lack of these Centres in Kosovo has led to many problems related to the institutional response regarding sexual violence victims, including an inadequate response by judicial institutions. From 2015-2018 there have been only 4 victims reported rape cases in Kosovo.⁴⁵

Shelters accordingly follow the procedures set out in the Kosovo SOP's on Protection from Domestic Violence in assisting and providing services to victims of domestic violence. The basic four principles are followed broken down in the following four categories:

- b. Identification;
- c. Referral;
- d. Advocacy;
- e. Rehabilitation and integration.

In practice, shelters have confirmed that these categories cross-cut throughout the process.⁴⁶

According to the SOP's detailed description of the roles and responsibilities are provided as:

- a. Shelters shall provide a safe place around the clock to victims of domestic violence;
- b. Shelters shall provide services to victims of domestic violence and their dependants whenever needed;
- c. Victims shall be referred for shelter and services to respective institutions by Kosovo Police, Centres for Social Work, Victim Advocates, and other bodies for further support.

40 Ibid, pg.9.

41 SOP's, page 21.

42 Available at <https://abgj.rks-gov.net/assets/cms/uploads/files/Publikimet%20ABGJ/Procedurat%20Standarte%20t%C3%AB%20Veprimit%20p%C3%AB%20Mbrojtje%20nga%20Dhuna%20n%C3%AB%20Familje.pdf>

43 See also Accessing Justice for Victims of GBV in Kosovo: Ending Impunity of Perpetrators, 2018, KIPRED, Artpolis and GLPS.

44 Interview with shelter representative from Pristina and Gjiilan/Gnjilane.

45 Ibid.

46 SOP's, page 25.

- d. Shelters shall provide safe and convenient environment, clothing; food, health services and medication, counselling and psycho-social treatment; legal advice; special treatment for victims with special needs/disabilities, special space for victims' rehabilitation; and other different activities as need arises.⁴⁷

— The referral kicks off from the moment the shelter will receive the referred victim; provide initial safe place and care for the first 24 hours; observe the victim's Reflection Period (up to 48 hours); respond to victim's emergency needs for clothing, food, health care. Afterwards the shelter should invite the Victim's Advocates to provide services of legal counselling in relation to court procedures including. If the victim is a child, the Centre for Social Work is also informed by the shelter. The shelter provides services and refers victims to other services as needed as medical check-ups. The shelter is also obliged to develop a Care Plan jointly with the victim and also the Centre for Social Work Case Manager. Each shelter also appoints a case manager for the victim. If the victim refuses shelter, other services are provided. Also the shelter should prepare the plan for attendance of school for children accompanying victims, should contact the school in the surrounding area to accommodate the children, etc. When the victim leaves the shelter inform the family, police, Centres for Social Work and the Victim Advocates.⁴⁸

— Shelters have confirmed that in relation to the referral and case management, there is no specific case management manual however shelters use the detailed description provided to them by the MLSW, in separate forms detailing the treatment of the victims once the victim is offered sheltering. There are ten forms developed addressing the agreement by the victim to be assisted by the shelter with rules and procedures detailing the process of acceptance to the shelter, care and assistance individual plan for the victim and the general assistance to be provided. Forms cover the following referral and case management steps:

— 1) Admission Form; 2) Form registering beneficiaries personal belongings; 3) Statement for voluntary residence in the shelter; 4) Consent form for giving or for sharing of information; 5) Authorisation Form for visits or health services; 6) Form for the Individual Care Plan for the victim; 7) Register of visits or services provided; 8) Statement for Voluntary Temporary Departure and Voluntary Departure; 9) Form of transfer or release and 10) Personal belongings obtained or donated by the shelter (see full list of the forms attached to the report). Even though shelters have reported that in few cases CSW workers or police, may bring the victim to the shelter that has not undergone full identification, the shelters are obliged to fill out the forms above and start assistance in accordance to these standards set out by the MLSW.⁴⁹ Otherwise the MLSW will not reimburse the expenses occurred as full list of clients assisted by the shelters is provided to MLSW monitoring teams and the client numbers should match the funding covered by the MLSW.⁵⁰

— As part of the individual plan, shelters also provide courses for all victims. The individual plan consists of descriptions on victim's professional development; facilitate employment opportunities and integration in the society. During victim's stay in the shelter, the victim should be allowed for to contact his/her family, relatives and friends. If the highly-risky victims meet their family, they are monitored by shelter staff, while family meetings conducted in the presence of the police. In case the shelter staff identifies and assesses a threat to victim's security, staff and others, shelters immediately contact the police. Shelter also create files for each victim received and inform him/her on the shelter rules, services provided, timetable and security measures during the stay in the shelter. Shelters are obliged to ensure that victim's identity and data are not revealed without his/her consent. If the victim rejects assistance and accommodation in the shelter, the consequences and risks from staying outside the shelter should be explained to the victim and he/she is further

47 Ibid, page 41 and 42.

48 SOP's, page 42.

49 Interview with Pristina shelter representative, December 2019.

50 Communication with MLSW representative, January 2020.

instructed with prevention actions. Victim shall be informed about the responsible bodies and contact numbers in case of risk. If the victim refuses assistance, he/she should be made aware⁵¹ that assistance is available in the future, whenever needed. When needed, shelters provide various services to the victims. Shelters are obliged to provide psychosocial support, if needed, through psychological treatment in individual and group sessions.⁵² Shelters have confirmed to provide for these services.

Under Annex 14 of the SOP's, shelters are obliged to follow the enlisted checklist during assistance to victims of domestic violence.

3.3 Checklist for shelters according to the SOP's

- √ respond to the basic needs of the victim upon victim's arrival in the shelter;
- √ Provide for food, clothing and medical care;
- √ Victim referred to health institutions for other medical services when needed;
- √ If the victim is a child, referral to health institution is made in the presence of the Centre for Social Work representative;
- √ Victim is informed of his/her rights;
- √ Victim is informed on the rules of the shelter, services provided, schedule and security measures while accommodated in the shelter;
- √ If the victim refuses accommodation in the shelter: Consequences and risks of staying outside the shelter are explained to the victim.
- √ Victim is also offered advice on preventive actions;
- √ Advice provided to the victim in requesting a protection order if needed is offered;
- √ Identification and assessment as to whether there is risk for the safety of the victim, shelter staffs and others conducted;
- √ Kosovo Police and other authorities are informed once the risk has been identified;
- √ Case manager in the shelter assigned;
- √ Case file opened;
- √ File, containing information about the victim, is kept confidential;
- √ The reflection period of 48 hours for a newly-referred victim in the shelter is observed;
- √ Individual plan for the victim developed together with the victim, shelter case manager and CSW case manager;
- √ Services are provided on the basis of the victim's individual plan;
- √ Other community services are coordinated to assist in victim's reintegration;
- √ Victims' Advocates informed to provide legal counselling with regard to court procedures;
- √ School or MEST (Ministry of Education, Science and Technology) contacted to coordinate school attendance for children of the victim;
- √ Victims are referred to the Centre for Social Work when victims need administrative services and personal documents;

51 Pages 88 and 89 of the SOP's.

52 Ibid.

- √ Victim's contact with the family, relatives and society is enabled;
- √ External contact is monitored for security purposes when victims are classified as high-risk;
- √ Meetings with family and others made possible accompanied by police;
- √ Victim's transfer from one shelter to another in compliance with agreements among shelters and on the basis of emerging needs;
- √ Transfer to another shelter is realised in case of approval by the Department of Social Welfare (Ministry of Labour and Social Welfare);
- √ The victim is released from shelter with the decision of shelter and Centre for Social Work case manager and with victim's consent;
- √ Police and Victim Advocates are informed of the victim's release from the shelter.

— These responsibilities are also reflected in detail by the minimal standards for providing social and family services of the MLSW.⁵³ Majority of the shelters adhere in practice to the above mentioned checklist as monitored annually by the MLSW. Based on the Law on Social and Family Services, the Ministry has established the Monitoring / Inspection Unit of Social and Family Services, which is mandated to assess the quality of social and family service delivery in the governmental and non-governmental sector.⁵⁴ The MLSW also ensures through monitoring the compliance of activities and compliance with existing national and international legislation requirements, minimum standards for social and family services, and compliance with the Code of Ethics for Social Service Providers. Further, some shelters have reported that often reconciliation of victims with perpetrators of domestic violence continues to be predominant by Centres for Social Work or other institutions involved in implementation of the SOP's often opposite to the requirements and legal procedures detailed in the SOP's, in order to save the "traditional family."⁵⁵ This situation leaves shelters under pressure to follow the case management procedures of the CSW's. Worth noting is that the recent reported cases of victims of domestic violence and were handled by the criminal justice system, had ended with tragic consequences with the death of victims and their children.⁵⁶ This situation indicates for the need that the institutional and shelters response when assisting DV cases should strictly implement and be in accordance with the law and procedures set out in the applicable law and the SOP's. Accordingly, any changes to the SOPs and the laws amended, including the recent changes in the definition of domestic violence crime within the Criminal Code of Kosovo in 2019, should also be reflected in the case referral schemes.⁵⁷

3.4 Other guidelines for NGO's in delivering assistance and protection to victims of DV in Kosovo

— In addition to the enlisted roles and responsibilities of shelters in the SOP's and the MLSW minimal standards for social service provision, in 2018, a case management manual was developed for shelters aiming to standardise assistance and protection for shelters offering support to victims of domestic violence only. The Case Management Manual was developed by the support of UN Women Office in Kosovo, funded by the EU Office in Pristina and implemented by Safe House Gjakova/Dakovica shelter.⁵⁸ The aim of this manual has been to enhance and strengthen the response of domestic violence service providers i.e. shelters for domestic violence in working directly with victims of domestic violence. The purpose is also

53 Discussion with stakeholders, November 2019.

54 MLSW Concept Document on Family and Social Services, February 2019.

55 See Assessment on the Level of Implementation of the Kosovo SOP's for Protection from Domestic Violence, Agency for Gender Equality, September 2019.

56 During 2018 and 2019 there were 14 victims of domestic violence reported murdered by their former partners, husbands or fathers. Data from Kosovo Police quoted in Kosovo 2.0 Article "The Eternal Victims of Domestic Violence, by Dardane Neziri, 18.06.2019.

Available at <https://kosovotwopointzero.com/en/the-eternal-victims-of-domestic-violence/>

57 Ibid.

58 Copy available with author.

to provide confidential, effective and professional support to victims of domestic violence by focusing on delivery of services through a victims-centred support. Further, the manual has been developed for other shelters and one two days training for its use has been offered to shelters offering assistance to DV victims during 2018.

— Its standardised use by the respective shelters has been left on the individual will of shelters.⁵⁹ Overall, there are no existing case management manuals developed by the MLSW and other institutional actors to guide the every days assistance of shelters for victims of domestic violence nor other forms of violence against women.

— As shelters are also often first entry points for victims that offer safety, legal and psychological support manual discusses the current Kosovo legislation applicable and their direct responsibilities detailed under the Kosovo SOPs for protection from domestic violence in Kosovo. The manual has also been drafted as a response to the needs assessed for shelters for trainings on case management as listed under Kosovo Programme and Action Plan against Domestic Violence (2016-2020).⁶⁰ The manual provides for detailed explanations of current best practices related to international standards on assisting and protecting victims of domestic violence in line with the recent developments at the international human rights level such as the requirements of the Istanbul Convention, and provides for explanation of essential elements and quality guidelines of the UN Essential Services Package for women and girls subject to violence. It also provides for a short overview on day to day management of cases based on best practices for assistance and protection within the Kosovo shelters in particular the existing standards of assistance based on the Safe House Gjakova experience.

No additional trainings conducted by shelters so far have been reported based on this particular manual.⁶¹

3.5 Capacity Building/Trainings Initiatives

— According to the MLSW Administrative Instruction (AI) Nr.17/2013 for the Licensing of the Legal Entity/Organizations that provide Social and Family Services, the licensing procedure for the shelter providers and other legal entities offering family and social services, sets out a number of criteria's to be fulfilled. The AI sets out the conditions and criteria to be met by organizations in providing social and family services, the organization and the functioning of the committees to implement and establish the licensing procedures, issuance and refusal of the license, types of licenses and the tax to be paid for the payment of licensing. The AI sets out the General Council for Social and Family Services is the body responsible to maintain the professional standards and discipline service providers in the field of social and family services and acts as the registration authority for the professionals delivering social services.

Accordingly, under Article 4 of the AI, the following criteria or evidence is to be submitted by the organizations requesting licensing.

The following criteria should be met:

- a. Statements with evidence including the experience of the organization in offering services (i.e. numbers of victims assisted in the past), key activities and main customers served;
- b. the legal status of the organizations should be submitted; appointed manager of the organization evidenced;

⁵⁹ Interview with shelter representative, November and December 2019.

⁶⁰ See Strategic objective 4, Activity A.4.16 of the Kosovo programme and action plan against domestic violence (2016-2020), available at <https://abgj.rks-gov.net/Portals/0/Strategjia%20Komb%20e%20R%20p%20p%20C%20A%20B%20r%20b%20r%20j%20t%20e%20n%20g%20a%20d%20h%20u%20n%20a%20e%20f%20a%20m%20i%20l%20j%20e%202016-2020.pdf>

⁶¹ Interviews with shelter representative November and December 2019

- c. inform the licensing body of the qualifications and the experience of the organizations manager;
- d. prove the qualification and the experience of the staff and the organizations chart submitted including the biographies of the licensed individual staff employed in the organization;
- e. prove that minimum two staff members are in possession of the individual license with high-school professional education and other two staff members individually licensed with the basic level education and;
- f. evidence that the organization has sufficient space to offer the services applying for.

— After the licensing process for the NGO's providing services to victims of domestic violence, in order to increase the capacities of the service providers, the MLSW has been providing a set of trainings for the NGO's in detailing the minimal standards for provision of social and family services in Kosovo.⁶² The MLSW provides trainings in coordination with other responsible institutions for the implementation of the Standard Operating Procedures for the Protection of Domestic Violence in Kosovo adopted in 2013. Additional trainings organised and delivered that have been continuous and regular by the MLSW and AGE, have been reported by shelters to have been declining over the years.⁶³ However, during 2019 a set of trainings were provided for different institutions involved in offering services according to the detailed responsibilities provided in the SOP's. As NGO's are part of the National Referral System for Protection against Domestic Violence according to the SOP's, the trainings provided target all responsible institutions including the shelters. There are no separate trainings as such provided for shelters by the MLSW.⁶⁴

— The trainings were organised and led by the Agency for Gender Equality jointly with the central levels of the MLSW, Kosovo Police, State Prosecutor's Office-Victim's Advocates and the Ministry of Health targeting NGO's and other responsible institutions part of the referral system including social workers, victim's advocates, etc. The trainings were organised and delivered for two days in the Region of Pristina (16-17 of May 2019), Mitrovica Region (May 2019), Gjilan/Gnjilane Region (2-3 of October 2019), Prizren Region (16-17 of October 2019) and Peja/Pec Region (12-13 of December 2019).⁶⁵ The content of the training is based on the SOP's detailed responsibilities in order to increase the delivery of different institutions in the implementation of the SOP's. According to the MLSW, there is no specific manual drafted by the MLSW in increasing the case management capacities of the shelters nor any specific guidelines developed based on the SOP's to particularly address the capacity building of the shelters.⁶⁶

— At the local municipal levels, municipalities have been reported not to have drafted annual strategies nor plans for advancing social services in their municipalities and have not allocated specific budgets for social services and in the absence of a specific grant, the issue of financing of social services remains depended from the political will of particular mayors, missing in most municipalities. Also Centres for Social Work have lagged behind in increasing their respective number of employees and have failed to replace vacant positions (example in cases when social workers have retired) affecting overall the delivery of social services at local levels. Majority of the services at different local levels have been predominantly offered by the NGO's. Furthermore, municipalities as such have not provided for social services trainings and capacity building initiatives locally. Further, municipalities have been reported to have failed to establish a contracting scheme for NGOs providing social services, thus affecting both the sustainability of services and the interest of NGOs to operate in those municipalities

⁶² Interviews with shelter representative November and December 2019

⁶³ Ibid.

⁶⁴ E-mail communication with MLSW representative, January 2020.

⁶⁵ E-mail communication with MLSW representative, January 2020.

⁶⁶ E-mail communication with MLSW representative, January 2020

and have lacked to offer professional development trainings to social service providers. It has been noted that the professional capacities of social workers i.e. 93% of CSW staff have a university degree, but only 10% have a Social Work degree with only 3% having a degree in Psychology with most workers being lawyers, sociologists and/or pedagogues.⁶⁷ Monitoring of shelters is the responsibility of the MLSW for the NGO's providing services and are financially supported by the MLSW funds, with municipal monitoring being almost inexistent.

— Overall, most of the shelter representatives have agreed to have regular and continuous trainings on case management, case referral and monitoring capacities. In particular, shelters would need further support in the case management related to the reintegration and rehabilitation procedures specifically and developing referral schemes related to working with municipal, central structures, advocacy efforts including businesses and regional employment centres as well as support with sustainable funding. When providing safe accommodation to victims, the NGOs's as service providers of family and social services in Kosovo, do not include only the provision of basic necessities for victims fleeing their homes due to domestic abuse, but should ensure to provide also a supportive environment that will help prepare the victims for a safe and successful return to their community. It is also important that these needs are met in a manner that will promote personal power, autonomous choices and a sustainable plan for leaving an abusive relationship.

3.6 Sustainable Funding For Shelters

— The existing shelters face numerous challenges, most notably the lack of sustainable financing as nowadays funding is estimated to stand at approximately 30% up to 40% and solely provided by the MLSW.⁶⁸ Rest is usually provided by donor support when existing. Most of the shelters continue to be donor dependent and are occasionally supported by municipalities with small amounts of funds ranging from 500 up to 5.000 Euro's.⁶⁹ Further, until recently few shelters continue to pay high prices for electricity and water bills, as they are considered businesses by electricity and water companies. Recently the Pristina Shelter has reported to have overcome this obstacle and is no longer paying electric bills as business.⁷⁰ Even though some shelters do not pay for rent because municipalities have provided them with land, housing and/or donors have built their houses as is the case for Gjakova/Đakovica, Gjilan/Gnjilane and Prishtina shelters the existing municipal structures at local levels, have been reported to rarely support funding of shelters or provide only minimal ad hoc support.

67 MLSW Concept Document for Revising the Law on Family and Social Services, February 2019. Available at <http://www.komfikosova.org/wp-content/uploads/2019/03/Koncepti-Dokumenti-p%C3%ABr-Sh%C3%ABrbime-Sociale-dhe-Familjare-Shkurt-2019.doc>.

68 Ibid. Also notes from focus group discussions held at Council of Europe Office in Pristina with relevant stakeholders.

69 Interviews with shelter representatives November and December 2019.

70 Notes from interview with Pristina Shelter Director, 04.12.2019.

4. Next steps in developing quality guidelines for shelters

— In order to develop a detailed review and proposal for case management for shelters of DV in Kosovo the following areas enlisted below should be improved and following steps should be undertaken:

- a. It should be noted that assistance and protection to other victims of VAW is offered ad hoc by shelters but not on regular basis as shelters that are licensed to provide services are mainly licensed for assisting DV victims. In other cases, the manual should also provide for security/safety tips for the victims and shelter staff even though the manual should advise against assistance of other cases and encourage the setup of separate shelters. Also, recent reported cases of victims of domestic violence, that have been part of the assistance and protection system and were handled by the criminal justice system, ended with tragic consequences with the death of victims and their children.⁷¹ This situation indicates for the need that the institutional mechanisms providing assistance to the victim of DV and of shelters should strictly be advised in accordance with the law and procedures set out in the applicable law and the SOP's.⁷² In case SOP's are revised and re-drafted to incorporate the new changes enlisted under the Criminal Code of Kosovo, recent standards foreseen by the Istanbul Convention should be reflected for protection and assistance to victims of violence and domestic abuse. The Case Management Manual should be in line with these requirements and recent amendments within the Kosovo criminal justice system.
- b. Shelters commonly agree upon further needs for training on the case referral schemes including specifically focusing on rehabilitation and reintegration schemes developed. Further advocacy efforts for inter-municipal cooperation is needed in order to increase available funding and working with regional employment centres to increase employment opportunities for victims of DV. Examples of inter-municipal cooperation should also be provided in the Case Management Manual as forms of best practices.
- c. When a Case Management Manual is drafted it should reflect in detail the Kosovo applicable law requirements and the existing policy documents such as the SOP's and the MLSW minimal standards for delivery of family and social services in Kosovo. As many of the laws and policy documents are currently under revision such as the Law on Family and Social Services, SOP's for Protection from Domestic Violence in Kosovo and Law on Protection from Domestic Violence, guidelines would need to address those changes or amendments;
- d. Further, the recent changes in the definition of domestic violence, sexual harassment, rape (including marital rape) within the Criminal Code of Kosovo in 2019, should be reflected in the case referral schemes;
- e. The MLSW should publish and make available for general public (MLSW website) the newly drafted Case Management Manual as well as the minimal standards for social and family service provision in Kosovo;

⁷¹ During 2018 and 2019 there were 14 victims of domestic violence reported murdered by their former partners, husbands or fathers. Data from Kosovo Police quoted in Kosovo 2.0 Article "The Eternal Victims of Domestic Violence, by Dardane Neziri, 18.06.2019. Available at <https://kosovotwopointzero.com/en/the-eternal-victims-of-domestic-violence/>

⁷² Ibid.

- f. Further any case referral manual should be adopted with the support of the MLSW and made mandatory for implementation for shelter providers in order to ensure its sustainability through the licensing process;
- g. The Case Management Manual should reflect on regional and EU member state practices related to case management procedure (including country examples) and examples on inter-municipal cooperation i.e. local level cooperation models.
- h. Some shelters have reported to face difficulties in employing victims of DV as employers often refuse to imply the victims due to security reasons and fears from retaliation and threats from victim's former partners. Detailed description and models of reintegration and rehabilitation for Long-Term Case Management Strategies should accordingly be included. Providing of best practice examples and comparisons against case management practices in Kosovo should be proposed;
- i. NGOs licensed and funded by the Ministry continuously complain about the funding afforded over the years that remains fixed and has not taken into account their client-based needs in order to calculate the allocated funding appropriately. The current legal framework also does not allow for the coverage of salaries of licensed individuals working within the supported NGOs. For example the victims assisted by the shelter providers remain in one municipality, however victims assisted in the wider region come from other municipalities. Forms of inter-municipal cooperation should be proposed and best practices in line with the provisions foreseen for inter-municipal cooperation in the Kosovo applicable law.⁷³
- j. The Case Management Manual should propose ways of how to support and pilot social service projects by shelters and develop social enterprise projects and other organisations in supporting victims of DV.⁷⁴

⁷³ See Law no.04/1–010 on Inter-municipal Cooperation, available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2749>

⁷⁴ See EU Support to the Ministry of Labour and Social Welfare in Strengthening the Mechanism for Implementation of Social Services Decentralisation.; Review of Decentralization and Laws: The Way Forward for Enhancing Social Service Delivery in Kosovo, Qosaj-Mustafa, Ariana and Dibrani, Selvete, 2015.

5. Next steps for the drafting process of shelter guidelines

1. Organise and deliver a workshop with stakeholders assessed to present the findings of the needs assessment report.
2. Organise and deliver a working group consisted of stakeholders composed from MLSW representatives and responsible department such as: Department for Social Welfare, Division of Family and Social Services, at least two representatives from the General Council for Social and Family Services including NGO representative, representatives of seven regional directors of the Centre's for Social Work and seven case managers i.e. social workers, shelter representatives covering seven Kosovo regions, one representative of Kosovo Agency for Gender Equality and Office of the National Co-ordinator's against Domestic Violence representative.
3. The working group should discuss existing documents for assistance and protection for victims of Domestic Violence in Kosovo, table of contents of Case Management Manual and validate the contents drafted at a later stage.
4. Follow up visits to shelters not assessed in the first round of meetings in Mitrovica, Peja/Pec Region and Prizren could be conducted to monitor case management practices and monitor a number of specific cases and know how practices of shelters concerned, to validate further the contents of the drafted Case Management Manual.

List of references

Relevant Laws, By-Laws and Strategic Documents:

1. Law on Social and Family Services No. 02/L-17, available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2447>;
2. Law on amending and supplementing the Law No. 02/L-17 on Social and Family Services, available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2447>;
3. Law No. 03/L-182 on Protection from Domestic Violence in Kosovo, 2010. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2691>
4. Law No. 03/ L- 040 on Local Self Government. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>;
5. Kosovo Law No. 03/ L- 049 on Local Government Finance. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2525>;
6. Kosovo National Strategy and Action Plan against Domestic Violence (2016-2020). Available at http://www.kryeministri-ks.net/repository/docs/STRATEGJIA_KOMB%C3%8BTARE_E_REPUBLIK%C3%8BS_S%C3%8BKOSOV%C3%8BS_P%C3%8BR_MBROJTJE_NGA_DHUNA_N%C3%8BFAMILJE.pdf;
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9. MLSW Concept Document for Revising the Law on Family and Social Services, February 2019. Available at <http://www.komfkosova.org/wp-content/uploads/2019/03/Koncepti-Dokumenti-p%C3%ABr-Sh%C3%ABrbime-Sociale-dhe-Familjare-Shkurt-2019.doc>
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11. Regulation Ministry of Finance Nr - 04/2017 On Criteria, Standards And Procedures On Public Funding Of NGO's. Available at https://www.mbpzhr-ks.net/repository/docs/2018_rregullorja_MF_Nr_042016_per_perkrahje_te_OJQve_dhe_manuali.pdf;
12. Standard Operating Procedures for Protection from Domestic Violence (SOP's). Available at https://www.psh-ks.net/repository/docs/Procedurat_Standarde_te_Veprimit_per_Mbrojtje_nga_Dhuna_ne_Familje.pdf;

Relevant Reports:

1. Accessing Justice for Victims of Domestic Violence in Kosovo: Ending Impunity for Perpetrators,” EU Drafted by KIPRED, funded by EU Office in Kosovo, 2018. Available at https://eeas.europa.eu/sites/eeas/files/accessing_justice_for_victims_of_gender_based_violence_in_kosovo_eng.pdf
2. Assessment on the Level of Implementation of the Kosovo SOP’s for protection from Domestic Violence, Agency for Gender Equality, September 2019. Available at [https://abgj.rks-gov.net/assets/cms/uploads/files/Raporti%20ABGJ%20-%20Versimi%20i%20niveletit\(1\).pdf](https://abgj.rks-gov.net/assets/cms/uploads/files/Raporti%20ABGJ%20-%20Versimi%20i%20niveletit(1).pdf)
3. Council of Europe, Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, page 43, 2011, at: <https://rm.coe.int/16800d383a>
4. EU Support to the Ministry of Labour and Social Welfare in Strengthening the Mechanism for Implementation of Social Services Decentralisation: Review of Decentralization and Laws: The Way Forward for Enhancing Social Service Delivery in Kosovo, Qosaj-Mustafa, Ariana and Dibrani, Selvete, 2015
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6. Mapping support services for victims of violence against women in Kosovo, Council of Europe project on Reinforcing the fight against violence against women and domestic violence in Kosovo, 2017. Available at <https://rm.coe.int/seminar-pristina-report-eng/16807316df>;
7. UNWOMEN Supported Study “Shelter for Women and Girls at Risk of or Survivors of Violence” by Canadian Network of Women’s Shelters and Transition Houses at <http://www.endvawnow.org/uploads/modules/pdf/1363538451.pdf>

Annex I

Government Administrative Instruction No. 17/2013 for the Licensing of the Legal Entity/Organizations that provide Social and Family services. Available at <https://mpms.rks-gov.net/en/wpdm-package/udhezimi-administrativ-nr-17-2013-pdf/?wpdmdl=1355>

Available at please copy link and directly paste at google to ensure opening of the link. Also emailed with revised needs assessment report!

NOTE:

- Documents reviewed for this report (Policies/Laws, SOPs, guidelines etc) are all enlisted under the full list of reference with hyperlinks attached with direct access.
- In relation to the requested list of trainings offered to shelters by MLSW, please see above under main findings analysis part on training needs of shelters.
- In relation to other documents, if existing manuals/guidelines from MSWL for service provision to victims of VAW DV. No such documents exist accordingly. The MLSW has provided trainings based solely on the obligations and responsibilities enlisted under the Kosovo SOP's for Protection from Domestic Violence, related to CSW responsibilities and of the shelters. If need arises the shelter responsibilities and of CSW's can be cut and pasted from the SOP's, saved in a document and send out to the team as email attachment.

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