



UNEQUAL AMONG UNEQUALS



**Intersectional and
multiple discrimination
in the field of violence
against women and
domestic violence**

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Unequal among unequals: intersectional and multiple discrimination in the field of violence against women and domestic violence

AVENUES FOR INTERVENTION

“Unequal among unequals: Intersectional and multiple discrimination in
the field of violence against women and domestic violence”

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November 2025

“Unequal among unequals: Intersectional and multiple discrimination in the field of violence against women and domestic violence”

This document has been produced as part of the project “Aligning laws and policies with the Istanbul Convention”, implemented by the Council of Europe and co-funded by Belgium, Germany, Ireland, Norway, and the Council of Europe. 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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Cover design and layout:
Tomato Studio, Pristina, Kosovo*

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List of abbreviations

AGE	Agency for Gender Equality
CEDAW	UN Convention on the Elimination of Discrimination against Women
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ICT	Information and communications technology
Istanbul Convention	Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence
LBTQI+	Lesbian, Bisexual, Transgender, Queer and more
NGOs/CSOs	Non-Governmental Organisations / Civil Society Organisations
NSDV	National Strategy on the Protection Against Domestic Violence and Violence against Women 2022-2026
UDHR	United Nations Universal Declaration of Human Rights

Part 1

Introduction

As part of the Council of Europe's co-operation project "Reinforcing the fight against violence against women and domestic violence - Phase III" (2021-2023) a fact finding mission was conducted in 2022 to assess the alignment of Kosovo's¹ laws, policies and other measures with the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter "the Istanbul Convention"). (Council of Europe, 2022b)

One of the key findings of the mission report related to the need to tackle multiple and intersectional discrimination experienced by women in accessing protection and support.

"It is strongly recommended that the authorities take further measures to tackle the multiple discriminations in accessing protection and support faced by certain groups of women victims of violence, in particular women with disabilities, Roma, Ashkali and Egyptian women, women living in rural areas, single mothers, LGBTI women and women in prostitution, including by developing policies and measures to address their specific needs. To this end, the authorities might wish to draw inspiration from the guidance provided in the collection of papers on the Istanbul Convention in relation to the design and implementation of measures addressing the practical barriers and bias faced by women at risk of intersectional discrimination who suffered from gender-based violence". (Council of Europe, 2022b)

The key findings of that report in respect of multiple forms of discrimination were that although there have been recent efforts in recognizing multiple discrimination in law and policy including the National Strategy on the Protection Against Domestic Violence and Violence against Women (2022-2026) the practical application of this intersectional approach remains unclear. Women belonging to one or more of these groups face increased obstacles in accessing support and protection:

- Women in Rural Areas: Limited mobility restricts their access to information and support services, including legal aid.
- Single Mothers: They confront social stigma, economic hardship, low access to housing, employment, childcare, and difficulties in collecting child alimony. They may face challenges in obtaining custody of their children due to stereotypes and economic inequalities.
- Roma, Ashkali, and Egyptian Women: These groups experience social exclusion, discrimination, and economic hardship. Early and forced marriages are prevalent and

¹ *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.

often viewed as cultural practices, which leads to inadequate intervention from the authorities. A lack of trust in public institutions makes them reluctant to report domestic violence. Additionally, the expiration of the Strategy for the Inclusion of Roma, Ashkali, and Egyptian Communities (2017–2021) without renewal leaves a gap in support for these communities.

- **Women with Disabilities:** Despite accessibility laws, they face barriers due to inaccessible information and facilities. Negative societal attitudes (ableism) and insufficiently trained professionals hinder their ability to report violence and access support. The National Strategy on the Rights of Persons with Disabilities (2013–2023) does not address violence against women with disabilities.²
- **LBTQI+ Women:** Entrenched negative attitudes (lesbophobia and transphobia) and persistent sexism create significant challenges in reporting violence and seeking help. There is a lack of tailored support services for LBTQI+ women, though the new domestic strategy plans to address these gaps.
- **Women in Prostitution:** They have been reportedly denied access to protection measures, including protection orders, after experiencing physical and sexual violence or harassment.

The recommendations included developing policies and measures to address their specific needs and to design and implement measures to address practical barriers and bias faced by women at risk of intersectional discrimination who experience gender-based violence (Council of Europe, 2022b)

Aimed at supporting the authorities to address the most urgent recommendations of the assessment report, the Council of Europe designed the project “Aligning laws and policies with the Istanbul Convention”. This research study was designed to identify the current situation in respect of multiple and intersecting forms of discrimination and the main challenges. Our focus was on identifying key gaps and needs to implement targeted capacity building activities and to ensure they complement rather than duplicate any existing programmes.

Methodology

This study was conducted under the framework provided by the Istanbul Convention. It aims to assess the extent to which domestic legislation, policies, and practices address multiple and intersecting forms of discrimination in cases of violence against women and domestic violence. The research and analysis were designed to identify any key gaps in legislation, policy or practice that require action and in particular as a baseline assessment to identify how and where multiple and intersecting forms of discrimination arise in the field of violence against women and domestic violence, in particular in respect of prevention, protection, prosecution and coordinated policies. This research utilizes a triangulation methodology, combining a review of legislation, policy and practice in this area.

² This remains the case for the new National Strategy on the Rights of Persons with Disabilities 2025-2030

First, the desk research includes review of the following domestic documents: the Constitution; Criminal Code, Law on Gender Equality; Law on Protection from Discrimination; Law on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence; “National Strategy on the Protection against Domestic Violence and Violence against Women (2022-2026)”;; “State protocol for treatment of sexual violence cases (2022)”;; “Strategy for the advancement of the rights of the Roma and Ashkali communities 2022- 2026”;; “Kosovo Program on Gender Equality (2020-2024)”;

Second, eleven semi-structured interviews were conducted with key authorities and civil society to gather first hand data and valuable insights into the challenges, gaps and best practices on intersectional and multiple discrimination in the field of violence against women and domestic violence.

Third, a Steering Group was established for the purpose of this research, consisting of key stakeholders, including the Agency for Gender Equality; the Ministry of Justice; the Kosovo Police; the Office for Good Governance – Prime Minister’s Office; Kosovo Women’s Network; Kosovar Centre for Gender Studies; Network of Roma, Ashkali and Egyptian Women; the Council of Europe projects “ROMACTED II” and “Combating discrimination and hatred”. The Steering Group provided comments and feedback on two working meetings.

The report concludes by considering recommendations and avenues for advancement of addressing multiple and intersecting forms of discrimination in cases of violence against women and domestic violence under the four pillars of the Istanbul Convention.

Discrimination, equality and gender-based violence against women in International Law

Non-discrimination is a core principle of human rights law and is inextricably linked to equality. The United Nations Universal Declaration of Human Rights 1948 (UDHR) (United Nations, 1948) emphasizes at Article 1 that all human beings are born free and equal in dignity and rights, without distinction of any kind and the core international human rights instruments are based on concepts of ensuring rights are secured without discrimination.

Drafted to combat gender inequality, the UN Convention on the Elimination of Discrimination against Women (CEDAW) does not explicitly condemn violence against women. However, the CEDAW Committee, through its General Recommendations, has made clear since 1992 that gender-based violence may breach specific provisions of CEDAW. (CEDAW, 1992) General Recommendation No. 35 (2017) acknowledges that violence against women ‘manifests itself on a continuum of multiple, inter-related and recurring forms, in a range of settings, from private to public, including technology mediated settings’ (CEDAW, 2017). According to CEDAW, states hold the responsibility to address cases of gender-based violence occurring within their jurisdiction, including any failures or omissions by their judicial, legislative, or executive branches. Furthermore, CEDAW emphasizes the importance of establishing an effective and accessible legal system that can address all forms of gender-based

violence. Although not a UN member state, authorities directly apply CEDAW principles in its legislation and in case of conflict, these have priority over provisions of law and other acts of public institutions. (The Constitution, 2017, Article 22)

In the European context the key Conventions targeting discrimination and violence against women are the European Convention on Human Rights and the Protocol 12 to the Convention and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter ‘the Istanbul Convention’).

- Article 14 of the European Convention on Human Rights protects people from discrimination in respect of their fundamental human rights and a general prohibition on discrimination was introduced by Protocol 12.

- The Istanbul Convention introduced Article 4, paragraph 3, of the Istanbul Convention requires the implementation of the convention’s measures without any discrimination. This obligation stems from the realisation that discrimination against certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread. (Explanatory Report, 2011, paragraphs 52-54)

In terms of prevention, protection and support for women victims of violence, Article 12, paragraph 3, of the Istanbul Convention makes it clear that all measures taken pursuant to that chapter should take into account the specific needs of persons made vulnerable by particular circumstances. Additionally, according to Article 18, paragraph 3, of the Istanbul Convention, the parties shall ensure that measures taken pursuant to this chapter shall address the specific needs of vulnerable persons, including child victims, and be made available to them. The Istanbul Convention is applicable in the domestic legislation, since it was included in the list of international instruments at Article 22 of its Constitution through a constitutional amendment in 2020.

Due to the rapid spread of the internet and technology-related harmful activities within the newly emerged digital sphere, the Group of Experts on Action against Violence Against Women and Domestic Violence (GREVIO) acknowledged the escalating global concern in respect of violence against women occurring in the digital realm and during its 21st plenary meeting decided to prepare a General Recommendation dedicated to the application of the Istanbul Convention in relation to the digital aspect of violence against women. GREVIO’s General Recommendation No. 1 on the digital dimension of violence against women (GREVIO, 2021) seeks to align the ICT discourse with the narrative of gender-based violence against women by clearly positioning manifestations of violence against women and girls in the digital sphere as expressions of gender-based violence against women covered by the Istanbul Convention. GREVIO offers a reading of definitions and offences contained in the Istanbul Convention that extends to digital manifestations of violence against women.

GREVIO recognised that digital forms of gender-based violence against women can be particularly pronounced for women and girls at risk of or exposed to intersecting forms of discrimination and may be exacerbated by factors such as disability, sexual orientation, political affiliation, religion, social origin, migration status or celebrity status among others. (GREVIO, 2021, p. 8) The digital dimension of violence against women, like offline violence, is deeply rooted in systems and structures such as power dynamics, economic imbalances and patriarchal attitudes that foster ideas of women's inferiority to men. These forms of structural discrimination can be deeply embedded in the fabric of societies and require large scale structural change. (GREVIO, 2021, p. 18) The General Recommendation was adopted on 20 October 2021.

Other relevant Council of Europe standards

Other relevant standards include CM/Rec(2019)1 of the Committee of Ministers to Member States on preventing and combating sexism, which includes a dedicated section on online sexist hate speech, and CM/Rec(2022)16 on combatting hate speech adopted 20 May 2022.

The Parliamentary Assembly of the Council of Europe (PACE) has issued PACE Recommendation 2098 (2017) on ending cyber discrimination and online hate and two relevant resolutions, firstly Parliamentary Assembly Resolution 2144 (2017) on ending cyber-discrimination and online hate and secondly Parliamentary Assembly Resolution 2177 (2017) on putting an end to sexual violence and harassment of women in public space.

The European Commission against Racism and Intolerance (ECRI) has produced standards and guidance (ECRI, n.d.) policy makers are invited to use when drawing up domestic strategies and policies in a variety of fields including Combating antigypsyism and discrimination against Roma (ECRI, 2013, amended 2020), Combating hate speech (ECRI, 2015) and Preventing and combating intolerance and discrimination against LGBTI persons (ECRI, 2023).

Key terms and concepts

Discrimination is: 'treating differently, and without an objective and reasonable justification, persons in relevantly similar situations'. (Zarb Adami v Malta No. 17209/02 (2006) para 71 (citing Willis v UK No 36042/97 (2002) para 48)

Direct discrimination: This occurs when an individual is treated less favourably in comparison to others in a similar situation owing to a particular protected characteristic.

Indirect discrimination: A difference in treatment may take the form of "a general policy or measure that has disproportionately prejudicial effects on a particular group notwithstanding that it is not specifically aimed at that group" Discriminatory intent is not necessarily required. (D.H. and Others v. the Czech Republic [GC], 2007) but it must be shown that the

group is disadvantaged by a decision when compared to a comparator group. Indirect discrimination may arise “by failing to take due and positive account of all relevant differences between persons in a comparable situation, or by failing to take adequate steps to ensure that the rights and collective advantages that are open to all are genuinely accessible by and

D.H. and Others v. the Czech Republic [GC], [2007] ECHR 922, Application no. 57325/00

The Czech Republic instituted a system of testing to provide a solution for children with special educational needs. All children sat the same tests irrespective of their ethnic origin. From 1999 onwards the authorities acknowledged that “Romany children with average or above-average intellect” were often placed in schools on the basis of the results of psychological tests which did not take Roma specifics into consideration. In particular, it appeared that some children were placed in schools for children with disabilities owing to real or perceived language or cultural differences between Roma and the majority population. [41] The Court held that the issue for determination was whether the manner in which the legislation was applied in practice resulted in a disproportionate number of Roma children...being placed in special schools without justification, and whether such children were thereby placed at a significant disadvantage.[185] The Court considered that there was a danger that the tests were biased and that the results were not analysed in the light of the particularities and special characteristics of the Roma children that sat them[66, 200] . The Court considered the channelling of Roma children to special schools was reportedly often ‘quasi automatic’ and that the real criteria for placement in special schools was their ethnic origin. The fact that all children took the same test did not mean that the results of the tests could serve as justification for the impugned difference in treatment. [200] (D.H. and Others v. the Czech Republic [GC], 2007)

Prohibited grounds of discrimination: The European Convention on Human Rights Article 14 and Protocol No. 12 refer to the following prohibited grounds for discrimination: sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

To reflect the jurisprudence of the European Court of Human Rights identifying other protected characteristics, the drafters of the Istanbul Convention at article 4, paragraph 3 explicitly included sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status in addition to these stated grounds,

Gender based violence is a form of discrimination against women as women experience gender-based violence, including domestic violence, to a significantly larger extent than men. (Explanatory Report, 2011)

Opuz v. Turkey [GC] (2009), Application no. 33401/02

The European Court of Human Rights (ECtHR) recognised the interconnection between discrimination and violence against women and held that gender-based violence constitutes a form of discrimination because it mainly affects women and women were not protected by the law on an equal footing with men. (Opuz v Turkey [GC], 2009)

Moreover, discrimination against women can lead to tolerance towards violence against women (Gaidukevich v. Georgia (no. 38650/18) (2023) and Hasmik Khachatryan v. Armenia (no. 11829/16) (2024)). Inaction by the authorities has been found to create a climate conducive to such violence (Halime Kılıç c. Turquie (no 63034/11) (2016) and Tërshana v. Albania (no. 48756/14) (2020) see also (Explanatory report to the Istanbul Convention, 2011).

The European Court of Human Rights has developed an extensive knowledge database including case-law guides relating to articles of the European Convention on Human Rights and key themes such as discrimination, domestic violence and discrimination through violence and articles. (European Court of Human Rights, n.d.)

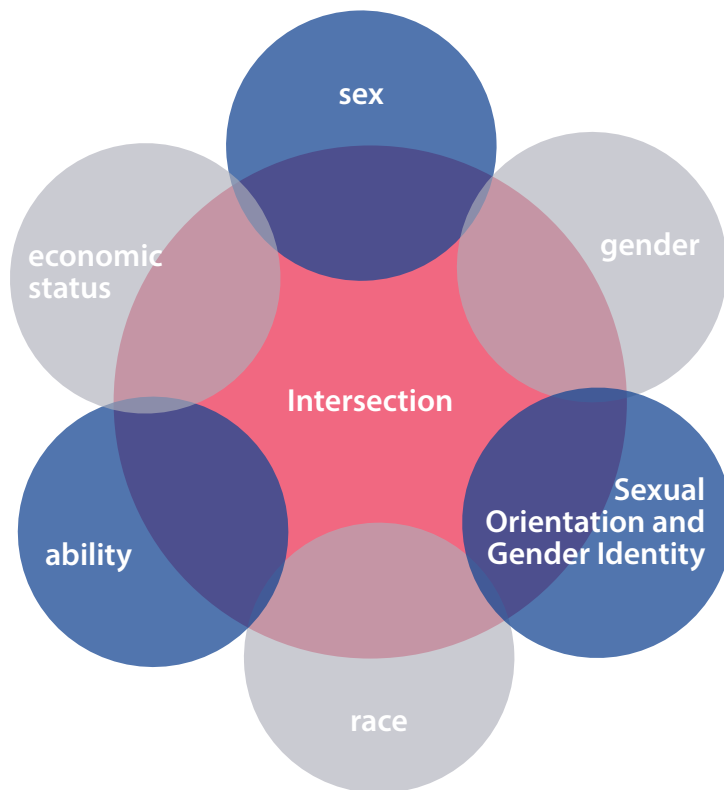
Multiple and Intersectional Discrimination

In her study on intersectionality in the European Union, Sandra Fredman proposes three main ways in which discrimination on more grounds than one can be conceptualised:

- **Sequential multiple discrimination** – when a person suffers discrimination on different grounds on separate occasions. For example, a woman with a disability might suffer discrimination once because of her gender and on another occasion because of her disability. This type of discrimination is the easiest to deal with, because each incident can be assessed individually, and judged accordingly.
- **Additive multiple discrimination** – when a person suffers discrimination on the same occasion but on two grounds, for example a lesbian woman is harassed because she is woman and because she is a lesbian. This type of discrimination is additive, because each of the grounds can be identified independently.
- **Intersectional discrimination** – happens when two or multiple grounds operate simultaneously and interact in an inseparable manner, producing distinct and specific forms of discrimination.

The term intersectional discrimination was coined by Kimberlé Crenshaw to demonstrate how a single-axis framework erased Black women in “the conceptualisation, identification and remediation of race and sex discrimination by limiting inquiry to the experiences of otherwise privileged members of the group. In other words, in race discrimination cases, discrimination tends to be viewed in terms of sex- or class-privileged Blacks; in sex discrimination cases, the focus is on race- and class-privileged women” (Crenshaw, 1989) It has since

been adopted as a framework to examine other ways in which marginalised groups with multiple and intersecting identities are excluded from policies designed for inclusion or to combat discrimination.



Why take an intersectional approach to combating violence against women?

We are particularly concerned with intersectional discrimination because a failure to consider underlying structural discrimination leads to a view that providing the same measures for everyone is sufficient to combat discrimination whereas in fact it can perpetuate and exacerbate discrimination.

The Council of Europe study 'Ensuring the Non-discriminatory implementation of measures against violence against women and domestic violence: Article 4, paragraph 3 of the Istanbul Convention' (Council of Europe, 2022a) stresses the importance of multiple discrimination awareness noting that focusing on only one form of discrimination at a time e.g. gender or race alone overlooks the complexity of women's experiences. Where forms of discrimination intersect, they affect both how women experience violence and their access to protection and support services.

A single ground approach can overlook some forms of discrimination and fails to capture the complexity of inequality. Secondly, it disregards the fact that human experience cannot be reduced to a single ground as our experiences are affected by the combination of all

these and more. Single ground approaches tend to delineate groups rather than enable you to identify the differences within those groups.

If we only view discrimination against women on the grounds that they are women, the specific challenges faced by these groups disappears. If we take the example of a Roma woman with disabilities: an intersectional analysis can help make her experience visible and the particular vulnerabilities she faces cumulatively: as Roma she is exposed to racism, as a woman she is exposed to sexism and as a person with disabilities she is exposed to ableism.

Different policy approaches to identifying and combating discrimination:

1. Focus on identities

Identities can be multiple and contradicting. A woman can be a government official with a high-ranking position and a mother or carer of an elderly parent. Society may treat her differently based on the role she is portraying and she might be expected to 'adopt' different identities to work effectively in both of these environments. What matters is not the subjectivity of the victims but the reality of their status - how they are socially identified and therefore treated. (Council of Europe, 2022a, p. 14)

2. Focus on groups

Group centred approaches pay attention to marginal groups located at the intersection of two or more axes of inequality. At the European level, this has often been subsumed under a 'vulnerable groups' notion, highlighting the special vulnerability of some groups. (Council of Europe, 2022a)

This approach ensures the inclusion of marginalised groups in policies and institutional arrangements but does face some criticisms. In particular, although an improvement to the one size fits all approach, it often overlooks the qualitatively-different experiences that arise from the intersectional position of different groups. This approach pays excessive attention to groups instead of addressing the social and institutional context that creates vulnerability. Not sufficiently considering and tackling the underlying causes of the differential social positioning of groups can ultimately trigger stigma and promote stereotyped views.

3. Structural intersectionality

Structural intersectionality is not based on individual identities or groups but relates to the reality of social, economic, cultural and institutional structures that interlock and form a complex system that creates and perpetuates inequality. Here you would focus on the categories or grounds of discrimination rather than groups:

- migrant status rather than migrant;
- sexual orientation rather than lesbian.

This then directs attention to systems of inequality such as racism, xenophobia, lesbopho-

bia, ageism, ableism and transphobia.

A structural approach is in line with the understanding of violence against women as a form of gender based discrimination (Opuz v Turkey [GC] (2009)) which argues that violence against women is not incidental and sporadic but rather represents a structural issue and a social phenomenon deeply rooted in mindsets.

Intersectional approach

Intersectionality expands the understanding of systems of discrimination based on individual identities and groups to encompass other systems of inequality such as racism, lesophobia, transphobia and other socio-economic inequalities. Taking an intersectional approach can enhance the vulnerable groups approach in the following ways:

- i) Tackle underlying factors that create vulnerability – this leads to policies that counter the disadvantaged position of individuals and groups. Vulnerability refers then to a social positioning that can be changed, not an immutable group characteristic.
- ii) Intersectionality requires recognition of the diversity within groups and not only between them. This makes it impossible to refer to any group of individuals as homogeneous and thus counters stereotyped views.
- iii) An intersectional approach recognises that the relation between and importance of categories cannot be determined a priori- in other words the policy maker or other actor cannot assume one ground for discrimination is more relevant than another . Instead, it requires a comprehensive examination and questioning of the multiple inequalities at play in a specific context. This results in the key question: How do the varying forms of discrimination intersect to expose women to violence?

An intersectional approach can contribute to understanding gender-based violence as the result of multiple forms of discrimination or inequalities. Because:

- It confirms the connection of gender-based violence with structural (institutional and social) inequalities and highlights that violence can take place in multiple settings.
- Highlights that certain groups of women located at the intersection of two or more grounds of discrimination may be more vulnerable to specific types of violence or face specific difficulties, yet it demands an examination of the structural elements that place them in such a position and the recognition that within the same group some women may have different experiences or needs.

Policies should therefore not seek to just target groups in vulnerable situations but also seek to address the structural inequalities that give rise to discrimination such as social, institutional and legal inequalities. A focus should be placed on group specific vulnerabilities to reach those who face additional obstacles in accessing support services or reporting violence.

Case studies

The following case studies are imaginary and designed for the purpose of this study to illustrate the concepts of additive multiple and intersectional discrimination above.

Navigating multiple discrimination for a Roma woman

Aishe, a 24-year-old Roma woman experienced domestic violence at the hands of her husband. Initially her family and other women told her not to complain but to preserve the 'family honour'. When she went to the police and judicial officials her complaints were dismissed and she heard one police officer mutter 'it's always like that with them'. She was told it would be very difficult for her to survive economically if she made a formal complaint. She was given some leaflets containing information about where to get help but did not understand it properly because she could not read very well in Albanian or Serbian.

Her settlement was far from the nearest shelters, lawyers and courts and it was very expensive to travel. She did not have the information about shelters and their location. Having failed to get support she returned home where she faced ostracism and stigma for seeking external help.

What are the systemic barriers to justice faced by Aishe?

Discrimination based on ethnic origin including stereotypes and prejudice against Roma by the authorities and exclusion from services.

Gender based discrimination including being subject to patriarchal norms and victim blaming in both her community and broader society which discourage speaking out against domestic violence.

Economic and social exclusion resulted in Aishe living in a segregated Roma community, lacking financial resources to pay for transportation to courts, lawyers or shelters. Access to justice in these circumstances is nearly impossible. She was also unable to navigate the bureaucratic challenges owing to her lack of literacy, particularly as the available information was only available in Albanian or Serbian. Systemic bias led police officers to view her situation as caused by 'the Roma community way of living'.

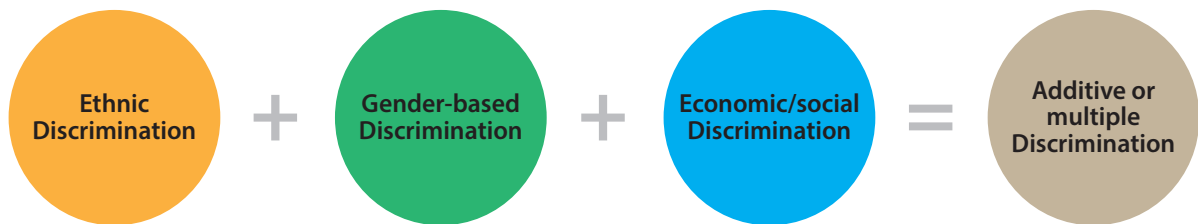
Types of discrimination:

Aishe has experienced:

- i) **Direct discrimination** on grounds of her ethnicity, gender and economic status.
- ii) **Indirect discrimination**
- iii) **Structural discrimination** - the systemic marginalisation of Roma communities means that Aishe is excluded from the resources, information, infrastructure and opportunities need to escape domestic violence and seek justice.

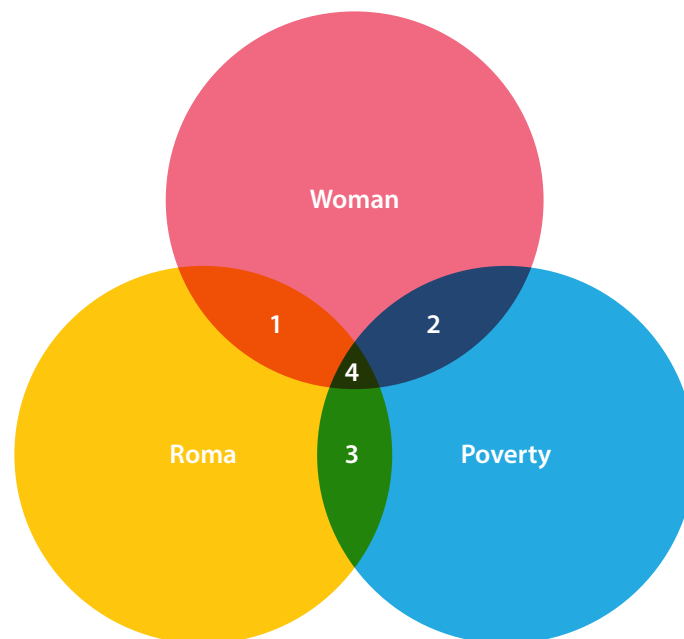
Additive or multiple discrimination

Aishe experiences ethnic, gender and economic discrimination as separate but cumulative layers of discrimination.



Intersecting Discrimination

This occurs when Aishe's identities as a woman, as a member of the Roma community and a person experiencing poverty interact and overlap in ways that create unique forms of marginalisation that are greater than the sum of their parts. Examples would include the specific stereotype of domestic violence being common or expected in the Roma community or the compounded exclusion from available health and support services that do not take into consideration the specific needs of Roma women.



Key:

- 1- Roma Woman- this would exclude Aishe's experience of poverty
- 2- Woman in poverty- this would exclude her experience as Roma
- 3- Roma in poverty- this would exclude her experience as a woman
- 4- Roma Woman in poverty- enables all aspects to be considered.

If the key areas of discrimination were addressed separately this would not fully address the discrimination experienced by Aishe as the overlapping areas would be excluded.

Navigating multiple discrimination for a woman with disability

Luljet is a 32-year-old ethnic Albanian woman who lives in a small town. She is deaf and has a physical disability which makes her unable to walk. Shortly after her marriage her husband took full control of her finances and restricted her mobility by controlling her access to her wheelchair. There are no public services providing for sign language or electronic contact to enable Luljete to file a complaint without assistance.

Eventually Luljete's friend took her to the police station for help. The local police station is not wheelchair accessible and there was no way of communicating in sign language. The police suggested calling Luljete's husband for help and took the view that she lacked the mental capacity to make a complaint. Social workers thought she should be grateful for the support her husband gave her and also questioned her ability to make decisions about her case.

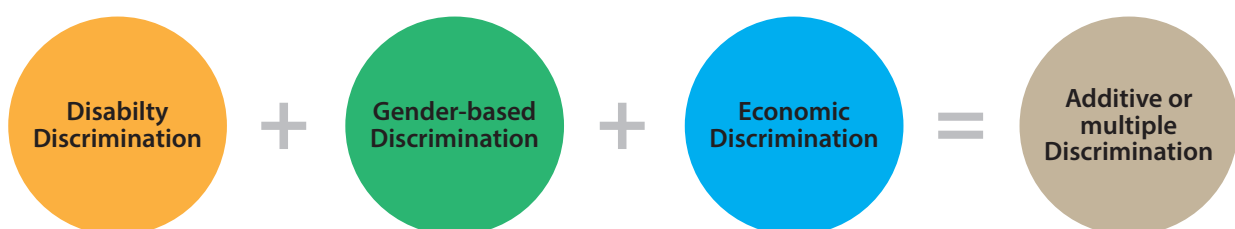
Because Luljete's finances were controlled by her husband when her family gave her money to leave him this was taken away and she was wholly financially dependent on him and could not afford to leave.

What are the systemic barriers to justice faced by Luljete?

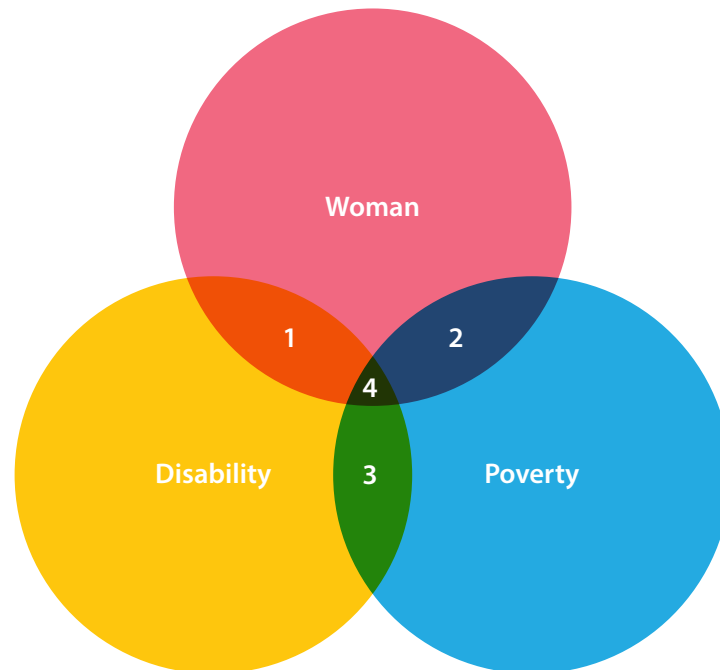
Disability discrimination: physical barriers to accessing public space and services, a lack of assistance and other services which prevent her reporting domestic violence or pursuing justice. A number of prejudices leading to her decision-making capacity being underestimated and to her being treated as less capable or autonomous

Gender-based discrimination: Patriarchal attitudes lead the police and social services to downplay her domestic violence experience and victim blame Luljete.

Economic discrimination: Luljete's financial dependence on her abusive husband coupled with lack of access to employment



Intersecting discrimination



Key:

- 1- Women with disabilities- This would exclude Luljete's experience of poverty
- 2- Women in poverty- this would exclude her experience of disability
- 3- People with disabilities experiencing poverty- this would exclude her experience as a woman.
- 4- The intersection of a woman with disabilities living in poverty enables the range of Luljete's experiences to be taken into account.

The intersection of **gender and disability** leads to unique stereotypes about women with disabilities being "dependent", "passive" or "less credible". This makes authorities and service providers less likely to take her complaints seriously. Women with disabilities are often less able to access shelters as there are fewer adapted places for their needs.

Disability and economic marginalisation leads to barriers on accessing justice and support. Her mobility difficulties, which form part of her experience of domestic violence, amplify structural barriers for women's access to justice. This includes transportation, physical access, language and interpretation facilities and relates to initial advice, reporting and pursuing any court proceedings.

Gender, disability and economic marginalisation taken together result in Luljete being isolated both geographically, verbally and emotionally. This isolation would have made it impossible for her to seek any form of support without the intervention of her friend.

Domestic Legal Framework

International Agreements and the Constitution: Article 22 of the Constitution as amended from time to time sets out those international agreements incorporated into the domestic legal framework. Relevant for the purposes of this study are: CEDAW, European Convention on Human Rights and the Istanbul Convention.

These Conventions were considered and applied by the Constitutional Court in Judgement in case no. KI129.21 Veledera Sopi AGJ 2146/23 in which the court undertook a Constitutional review of 'actions and inactions' of the Basic Court in Gjilan, the Basic Prosecutor's Office in Gjilan, the Police Station in Gracanica and the Basic Prosecutor's Office in Pristina. Applying those Conventions the Court found a failure in the positive obligation to protect the life of SM (European Convention on Human Rights, Article 2), failure by the police and the state prosecutor to fulfill the obligations defined by paragraph 4 of Article 18 (General Obligations), paragraph 1 of Article 50 (Immediate response, prevention and protection), paragraph 1 of Article 51 (Risk assessment and risk management) and paragraph 1 of Article 55 (Ex parte and ex officio proceedings) of the Istanbul Convention .

Domestic legislation and policy

The Constitution: Article 7 of the Constitution recognizes gender equality as one of its fundamental values, including equal opportunities for women and men in political, economic, social, cultural and other areas of life. Based on article 24 of the Constitution, discrimination is prohibited on any grounds, including gender, race, colour, language, religion, political or other opinion, national or social origin, sexual orientation, birth, disability or other personal status.

The Criminal Code, 2019: In general, the Criminal Code covers the offences of violence against women as required by the Istanbul Convention.³ Article 248 specifically addresses domestic violence, criminalizing intentional acts of physical, psychological, or sexual violence committed by a person against a family member or cohabitant. Gender-based discrimination is covered by the Law on Protection from Discrimination.

Law on prevention and protection from domestic violence, violence against women and gender-based violence (2023): This law aims to prevent violence against women, domestic violence and gender-based violence, to protect and contribute to the elimination of all forms of discrimination against women, the promotion of gender equality and the empowerment of women, and to build the necessary mechanisms for providing support to victims of all forms of violence regulated by this law. It does not refer to intersectionality directly however, article 7 relating to the adequacy of actions, requires all public institutions to adapt measures to meet the specific needs of vulnerable victims. Violence against women, domestic violence, and gender-based violence as concepts are addressed in the law.

³For a detailed analysis see 'Assessment of the alignment of Kosovo's laws, policies and other measures with the standards of the Istanbul Convention' Council of Europe, 2022

Section 1.16 describes “**Vulnerable victims**” as ‘girls and women, children, minors, LGBTQ+ persons with physical and mental disabilities, pregnant women, elderly and the person whose family relationship or dependence on the responsible part makes the person especially susceptible to repeated victimisation, intimidation or retaliation.’ The term “vulnerable victim” here includes women who face additional forms of discrimination and are made vulnerable by personal characteristics and/or particular circumstances, such as children, minors, LGBTQ +, persons with physical and mental disabilities, pregnant woman, elderly and the person whose family relationship or dependence on the responsible party makes the person especially susceptible to repeated victimisation, intimidation or retaliation.

It is important that “women” as a category should not be classified as vulnerable. Women are not per se vulnerable but rather, made vulnerable by circumstances and vulnerability should be assessed based on personal circumstances and characteristics. All terminology used for victims and survivors should be empowering, strengthening and supportive. Moreover, within these categories of women who may potentially be made vulnerable by their circumstances some important groups are absent such as: Roma, Ashkali and Egyptian women, women living in rural areas, single mothers and women in prostitution, etc.

Article 4 provides a non-discrimination clause which provides that domestic violence, violence against women and gender-based violence are a violation of human rights and freedoms and constitute discrimination. Article 4(2) requires the implementation of the law, in particular the protection of victims to be ensured without discrimination on the basis of gender, race, colour, religion, political or other opinion, national or social origin, belonging to a national minority, wealth, birth, sexual orientation, gender identity, age, health status, disability, civil status, immigrant or refugee status or other status. Moreover, article 22 of the law requires support services to be provided without discrimination.

The Act does not refer to the concepts of multiple or intersectional forms of discrimination.

The Law on prevention and protection from domestic violence, violence against women and gender-based violence, appoints the Minister of Justice as **the National Coordinator for Protection from Domestic Violence, Violence Against Women and Gender-Based Violence (Article 13.1)**. The previous Law specified that one of the Deputy-Ministers of Justice should be appointed as the National Coordinator.

The Office of the National Coordinator is responsible for supervising implementation of the National Strategy for Protection from Domestic Violence at the domestic level; coordinating measures and policies related to domestic violence; to supervising the database for cases of domestic violence; and coordinating the work of the Inter-ministerial Coordinating Group for Domestic Violence. The Office of the National Coordinator also prepares monitoring reports and assessment for the National Strategy for Protection from Domestic Violence. (NSDV)

National Strategy on the Protection against Domestic Violence and Violence against Women (2022-2026), adopted in January 2022 (NSDV, 2022): The introduction and narrative of the NSDV contains a clear recognition of multiple and intersecting forms of discrimination that impact women and girls who are victims or at risk of gender-based violence

and domestic violence. This comprehensive document includes a clear statement in the key objectives of the need to adopt a cross sectoral approach, to respect diversity and to address a combination of gender discrimination with other forms of discrimination by paying attention to the most disadvantaged including, among others, women with disabilities, Roma, Ashkali and Egyptian women, women in rural areas, socioeconomically deprived women, single mothers, LGBTQI+ women, older women, migrant and asylum-seeking women, as they face multiple discrimination. (NSDV, 2022, p. 35) The NSDV itself makes reference to the Istanbul Convention and states that ‘the cross sectoral approach was followed and special attention was given to addressing the multiple discrimination suffered by specific groups in society. As a result, special emphasis has been placed on women, young women and girls, especially from rural areas, with disabilities and special needs, from ethnic minorities, LGBTQI+, the elderly, single mothers, etc.’ The NSDV also makes specific mention of multiple gender discrimination in the section on identifying and preventing violence noting that prevention is closely linked to early education and awareness of society. In consequence a number of specific objectives were outlined to change behaviours, implement educational measures, improve cooperation with government, media and the private sector and establish perpetrator programmes.

One of the key principles guiding the NSDV and its action plan notes that a

“cross-cutting/cross-sectoral approach to violence against women and domestic violence includes considering the interrelation of gender with inequalities/other oppressive factors (such as sexuality, gender identity, ethnicity, migration status, disability, etc.). leading to unique experiences of violence. By understanding the different ways in which violence is perpetrated and experienced, a cross sectoral/cross-cutting approach can lead to the design and development of adequate specific responses to address cases appropriately. In implementing this strategy, responsible actors must recognize that experiences of violence against women are shaped by factors such as race, colour, religion, origin, wealth, marital status, sexual orientation, HIV/AIDS status, immigrant or refugee status, age, disability, etc., which should all be considered and addressed appropriately.”(p36)

Within the NSDV there are strategic objectives in respect of awareness raising and prevention of early marriages (p58), facilitating access to justice for victims of gender based violence, non-majority communities and displaced persons(p97) and the provision of support and shelter services for special groups- boys and men victims of DV, LGBTI persons. (p102)

If the key objectives are implemented across the NSDV this would be a comprehensive approach to tackling multiple forms of discrimination. However, there are no specific strategic objectives for this plan that directly address intersectional discrimination even though multiple discrimination is mentioned in the key objectives. Therefore monitoring and evaluating the implementation to ensure that the key objectives are fulfilled in the individual objectives will be important to ensure the cross cutting elements of the plan are not missed.

State protocol for treatment of sexual violence cases, 2022: This document adopted by the Ministry of Justice outlines the roles and responsibilities of various institutions, including the police, prosecution, courts, and healthcare providers, to ensure a coordinated and victim-centred approach when dealing with sexual violence cases. The protocol emphasizes the importance of timely and sensitive responses, proper evidence collection, and providing necessary support services to survivors. The protocol describes groups of women and girls who may be more vulnerable to sexual violence noting that these groups include adolescents, young women, women with disabilities, homeless women, women used for the purposes of prostitution, low income women, women who have previously been the victims of sexual violence and LGBTQI+ women. The protocol also records that there is evidence that ethnicity may increase vulnerability to sexual violence but no current statistical data that would prove this. It then provides a series of concrete recommendations in respect of the development of services for the following target groups:

- Women who have been trafficked for the purpose of sexual exploitation, who may have a range of requests for additional services along with the need to protect themselves from traffickers;
- Women used for the purposes of prostitution who are likely to lack particular trust in police officers and health care professionals, carry the concern that filing a complaint may result in their prosecution;
- Women from countries in conflict, forced to be displaced due to threats to their lives, are at risk both during the relocation process and when they arrive in safer countries/ countries;
- Woman from non-majority groups such as Roma, Ashkali, Egyptian, Gorani Turkish Serbian and Bosnian woman, but also the woman from Albanian community, when they are minority in terms of numbers on the municipal level, who may find it particularly difficult to seek help outside their community due to distrust of foreigners;
- Migrant women who may also have concerns about their immigration status and therefore need to be careful not to attract the attention of the authorities;
- Women from ethnic minorities who do not speak local languages and need independent translation, culturally aware staff and not belonging to their communities, to ensure confidentiality;
- Older women who may find it more difficult to talk about sexual violence and do not prefer to talk to a young woman;
- Lesbian and bisexual women who may be concerned that their sexual orientation is not used as a factor to justify the violence.
- Women from deep rural areas, who may fear for their image and continuing to live at their places of residence, due to prejudices.

The protocol provides a good explanation of how these factors may require consideration within an investigation to ensure that women who also fall within these groups may face additional risks of violence and barriers in accessing justice.

Law on Gender Equality, 2015: mandates equal rights, opportunities, and treatment for all genders in public and private spheres, aiming to eliminate gender-based discrimination. Gender is “socially-constructed roles assigned to women and men, which is an acquired identity that is learned, changed over time, and varies widely within and across cultures. (Article 5) This law also addresses the concept of violence on the ground of gender as “all acts of violence that in, or are likely to result in, physical, sexual, psychological, social, or economic harm or suffering on the grounds of gender, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”. (Article 1.18) At Article 4 both direct and indirect gender discrimination are prohibited including less favourable treatment of women for reasons of pregnancy and maternity, marital status, nationality, race, disability, sexual orientation, social status, religion and belief, age or any other basis defined by law or agreement and international instruments in force. This could be construed as one expression of intersectional or multiple discrimination but this is not explicit. By way of contrast the Law on Protection from Discrimination does make explicit reference to multiple discrimination.

Moreover, the law requires public institutions and private entities to ensure at least 50% representation of each gender in decision-making positions. The law also establishes mechanisms for monitoring, promoting, and enforcing gender equality across various sectors, including education, employment, and governance. Additionally, the law requires gender mainstreaming (Article 1.16) into all phases of policy making.

In accordance with the Law on Gender Equality, the **Agency for Gender Equality (AGE)** was established. The AGE is part of the Office of the Prime Minister and works to advance gender equality and address issues including gender-based violence. It has a focus on understanding how intersecting factors like ethnicity and disability affect women differently. AGE monitors the implementation of the Law on Gender Equality and coordinates with all gender equality officers at central and local level. AGE leads the process and prepares reports for the implementation of the Convention on the Elimination of All Form of Discrimination against Women and contributes to reporting on the implementation of international obligations concerning gender equality.

AGE has drafted the “**Kosovo Program for Gender Equality” (2020-2024)**. This program is an overarching program aimed at gender mainstreaming across all sectors. The program is reflected at the local level through gender equality plans. The program seeks to position gender equality at the core of transformation efforts, integrating it into all structures, institutions, policies, procedures, practices, and programs across government, agencies, civil society, the private sector, and the donor community. The Agency for Gender Equality (AGE) is currently drafting the Programme for Gender Equality 2025-2034.

Under the authority of the National Coordinator against Domestic Violence and leadership of AGE, authorities adopted **Standard Operation Procedures** for Protection from Domestic

Violence (SOPs) for victims of domestic violence in 2013, which constitute one of the most important links in the entire legal infrastructure for protection from domestic violence, as they detail what each institution is required to do when dealing with cases of domestic violence and violence against women. (Domestic Violence Standard Operating Procedures, 2013) The SOPs aim to ensure a coordinated institutional response to provide immediate and continuous support to domestic violence victims. Their implementation will enhance cooperation among institutions and partners in identifying, referring, protecting, rehabilitating, and reintegrating victims, as well as addressing perpetrators' treatment. At the time of writing this research report, new SOPs are being drafted by the Agency for Gender Equality.

Law on Protection from Discrimination, 2015: protects against both direct and indirect form of discrimination on various ground including gender, ethnicity, age, sexual orientation, religion, amongst others. Direct discrimination is considered when a person is treated in a less favourable than another person is treated, has been treated or will be treated in a comparable situation, whereas indirect discrimination is considered when a provision, criterion or practice is impartial apparently puts, has put or will put the person in an unequal position compared to others. This law also addressed the concept of multiple discrimination noting that this occurs when discrimination is based on any combination of grounds covered by this law. Multiple discrimination is listed under article 4, types of unequal treatment, as "multiple discrimination occurs when discrimination is based on any combination of the ground covered by this law. Multiple discrimination and multiple grounds shall be construed accordingly". Additionally, the law under article 5 notes as severe form of discrimination when discriminatory behaviour is motivated by more than one ground or which is committed more than once. Where discrimination affects groups of people this may be addressed through a group action undertaken on behalf of the group by a non-governmental organization or the Ombudsperson and in this case consent of the members of the group is not required. (Article 18)

An ex-post evaluation, conducted by the legal office in the Prime Minister's office, identified that the functioning of mechanisms for protection from discrimination at institutional level for both the Government and Municipalities remained challenging, there are few cases initiated, a lack of inter-institutional coordination, lack of training or attendance at the trainings, cases are not prioritised and there is a lack of sufficient financial and human resources in some institutions. (Report on Ex-Post Evaluation of the Law No. 05/L-021 on the Protection from Discrimination, 2023)

Ombudsperson Institution: the independent Ombudsperson is an equality mechanism for promotion, monitoring and support of equal treatment without discrimination on the bases protected by the Law on Gender Equality and the Law on Protection from Discrimination, laws which jointly with the Law on Ombudsperson, 2015, comprise the legal package of human rights, which have entered into force in July 2015.

According to the law, the Ombudsperson Institution can make recommendations to the Government, the Assembly and other competent authorities on matters relating to promotion and protection of human rights and freedoms, equality and non-discrimination; publish notifications, opinions, recommendations, proposals and their own reports; recommend promulgation of new Laws in the Assembly, amendments of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the authorities; prepare annual, periodical and other reports on the situation of human rights and freedoms, equality and discrimination; conduct research on the issues of human rights and fundamental freedoms, equality and discrimination; recommend to the Assembly the harmonization of legislation with International Standards for Human Rights and Freedoms and their effective implementation. (Law on Ombudsperson, 2015) The Ombudsperson Institution has now dealt with some cases involving multiple discrimination and these will be reported on in April 2025. The Ombudsperson Institution intends to adopt a structural approach to multiple discrimination but does not have a mandate to consider intersectional discrimination because it is not included in the law.⁴

Office for Good Governance is part of the Prime Minister's Office and its mandate is to increase the institutional accountability, public involvement in policy-making and decision-making, as well as adherence to domestic law and international conventions, policies and legislation on human rights.⁵ This office advises all units in the Office of Prime Minister in the spheres of good governance, human rights, equal opportunities and anti-discrimination issues.

Strategy for the advancement of the rights of the Roma and Ashkali communities 2022- 2026 and the action plan 2022-2024:

This strategy addresses multiple discrimination reflecting a nuanced understanding of intersectionality; however, it does not use the term directly. It would help to increase understanding of intersectional discrimination if the term was used consistently throughout relevant policy documents. The strategy's structured objectives across various sectors highlight a commitment to reducing discrimination through proactive training, awareness, and policy reform. (Strategy for the advancement of the rights of the Roma and Ashkali communities, 2022-2026)

In particular, objective five of the strategy is entitled discrimination and it focuses on preventing and combating discrimination, segregation and prejudice against Roma and Ashkali communities through implementation of anti-discrimination mechanisms across various sectors such as education, social protection and healthcare. It also addresses awareness raising among workers in the health care and education systems to reduce prejudice and stereotypes; thus, improving inclusivity in these sectors.

⁴ Interview with Ombudsperson, 10 March 2025

⁵ Prime Minister's Office. Office for Good Governance. Available at <https://kryeministri.rks-gov.net/en/the-office-of-prime-minister/offices/office-for-good-governance-ogg/>

Avenues for intervention

Overall the legal and policy framework provides a good framework for non-discrimination, equality, violence against women and domestic violence. Taken together these laws and policies can adequately cover multiple discrimination. There are some good, clear examples of this in the Law on Protection from Discrimination which uses the term 'multiple discrimination', The National Strategy on Protection Against Domestic Violence and Violence Against Women which lists the addressing of multiple discrimination as one of its key guiding principles to implementation, and the recognition of multiple and intersecting vulnerabilities in the State Protocol for Treatment of Sexual Violence Cases.

However, because intersectionality is a complex concept, it may be useful in future to be more explicit in policy and strategy documents and explain what an intersectional approach is, why it may make a difference, which officials or government actors are required to implement it and how to achieve this in practice. It is likely that this is best done through policy and strategy documents and then put into practice through training which is monitored and evaluated. Consideration could also be given to the definition of 'vulnerable groups' and the categories for inclusion. As noted above, women are not automatically vulnerable but may be made vulnerable by circumstances. There are some circumstances which may give rise to vulnerability that are not included in the law, for example, belonging to a Roma, Ashkali or Egyptian community, living in a rural area, being a single mother or being a woman in prostitution. This is a non-exhaustive list.

Consideration could also be given to empowering the Ombudsperson Institution to investigate examples of intersectional discrimination.

Similarly, in the NSDV there are no individual activities relating to intersectionality. The implementation of the NSDV should be monitored and evaluated to ensure that intersectionality is included where relevant across the different lines of activity, this requires data gathering and analysis.

Part 2:

Analysis of key interviewee responses

Introduction

Eleven key interviews, including representatives from Ministry of Justice, Agency for Free Legal Aid, Kosovo Police, Prosecution, Centre for Social Work, Ombudsperson Institution, Lawyer, Kosovo Women's Network, Kosovar Centre for Gender Studies, Handikos, and with an expert with experience in Roma, Ashkali and Egyptian NGOs/CSOs work, were conducted to obtain a rapid high-level analysis of the understanding in practice of intersectional and multiple forms of discrimination, the legal and policy provisions and how agencies were addressing these issues in practice. This report analyses those responses in the context of the international and domestic framework to identify gaps in understanding and avenues for intervention to better respond to the challenges of intersectional identities and discrimination in the context of violence against women and girls.

Participants' understanding of the legal framework

Key Interviewees were inconsistent as to whether the legal framework adequately addressed intersectional discrimination which perhaps indicates a lack of understanding as to the subtle differences between multiple and intersecting forms of discrimination. There was more consensus over whether the framework adequately recognised discrimination and multiple forms of discrimination with most informants indicating that the framework was good. However, often this was perceived as being linked to the Istanbul Convention being integrated into the Constitution, rather than because of specific laws, protocols, strategy objectives or action plans.

Discrimination in all its forms is well addressed in the legislation; however, the challenge lies in its implementation. The Istanbul Convention, which has been incorporated into our legal framework, ensures that the necessary provisions are in place. While multiple discrimination is covered within existing laws, intersectional discrimination is an area I have not encountered specifically. Nevertheless, since the Istanbul Convention holds precedence in application, it effectively encompasses and prioritizes these issues.⁶

In addition, most key interviewees were of the view that implementation is lacking. One explanation put forward for this was:

Institutions do not know how to address multiple discrimination, it happens a lot but it is complex and institutions lack capacity, understanding and statistics on the number of discrimination cases.⁷

⁶ Key interviewee interview, November 2024

⁷ Key interviewee interview, November 2024

Groups identified as most at risk of multiple and intersectional discrimination

The categories of women at risk of gender-based violence or domestic violence identified by key interviewees as being the most vulnerable to discrimination varied across the interviewees. It is important to note that some informants referred only to the 'most' vulnerable group (singular) and did not go on to identify other vulnerable groups. However, all interviewees recognised that the Roma, Ashkali and Egyptian women were most likely to experience multiple forms of discrimination, with one interviewee noting that this was not specific to women but applied to all Roma, Ashkali and Egyptian communities and another highlighting that women from these ethnic groups with disabilities were particularly vulnerable. Women from rural areas and in poor socio-economic conditions were the second group identified as more prone to multiple and intersectional discrimination, followed by LBTQI+ women. On the findings of this study, women with disabilities generally appear to be excluded from services and therefore they may be underrepresented in this assessment as support services for women with disabilities are not equipped to assist victims of gender-based violence and services for victims of gender-based violence do not seem able to properly assist women with disabilities.

Amongst all interviewees there was a recognition of various factors that caused these different groups to be vulnerable or more vulnerable to violence against women and domestic violence or less likely to receive an appropriate response from authorities. These factors included: lack of information about services and rights, lack of education, early marriage, living in isolation/rural areas, stigma, lack of financial resources, inability to understand or use new technologies or social media.

One key interviewee summed this up as follows:

Women who experience domestic and gender-based violence and are at risk of facing multiple forms of discrimination including those from remote rural areas, where there is limited access to information; uneducated women; those who are unfamiliar with social media or messaging apps like Viber; and women from the Roma, Ashkali, and Egyptian communities, who face challenges such as lack of education, early marriages, and living in isolation... These women face stigma and numerous challenges, particularly due to unemployment and the lack of financial independence. If a woman who is a victim of domestic or gender-based violence has a stable job or a place to live, it becomes significantly easier for her to break free from the cycle of violence and live apart from the perpetrator⁸

General understanding of the concepts of multiple, institutional and structural discrimination

Despite being described by Crenshaw in 1989 (Crenshaw, 1989), the difference between multiple, institutional and structural discrimination is not always well understood and has only recently emerged in law and jurisprudence at European level. For example, in the EU

⁸ Interview with key interviewee, November 2024.

although multiple discrimination has been explicitly referenced since 2000 more attention is paid to the issue of intersectional discrimination from about 2017 onwards. (Howard, 2024).

Although the European Court of Human Rights routinely considers multiple grounds of discrimination and how they intersect when considering Article 14 of the European Convention on Human Rights and Protocol No. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms in respect to discrimination, the term 'intersectionality' is not used in judgments. (European Union Agency for Fundamental Rights and Council of Europe, 2018) By way of contrast in the CEDAW committee recognises intersectionality directly as a concept for understanding the scope of States Parties' obligation to eliminate discrimination, "States parties must legally recognise and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned". (CEDAW, 2010)

Some interviewees raised concerns in respect of direct discrimination against affected groups. Either because discrimination was clear or because it was being 'masked' by the provision of superficial services to affected groups. This concern was raised by more than one interviewee in the context of Roma, Ashkali and Egyptian women and people from these ethnic communities more generally.

Some key interviewees seemed to lack full understanding of the difference between not directly discriminating against an individual and the ways in which discrimination can be embedded in social, legal and economic structures. In particular, there was a lack of understanding that structural equality often requires the authorities to prepare and implement different measures to ensure that everyone obtains the same outcome, particularly regarding access to services and justice. There was also less understanding that there may be a need to make reasonable adjustments or treat individuals or groups of persons in different situations differently to prevent a discriminatory outcome.

For example,

Police investigators of domestic violence treat all victims equally, with dignity and respect. We offer our services to all and we cannot treat a women victim living in a rural area different from a women victim living in an urban area.⁹

This approach may lead to unintentional discrimination against a woman from a rural area because she may require adaptations to enable her to receive protection- for example, her house is likely to be further away from the nearest police station, any police response would therefore necessarily be slower than in a city and this would need to be considered in any police response. This may be important when considering the implementation of exclusion zones for electronic bracelets for example.

We have established regulations that we adhere to and apply equally to all. Additionally, we provide victims with a "victim card" during the interview process. This card serves as a reminder of their rights, as they may forget the information shared during the discussion. For those who are unable to read or understand the card, it is likely

⁹ Interview with key interviewee, November 2024.

that they will be helped by a family member or a friend who may know how to read and can explain its contents and inform them about the support available from the state.¹⁰

This assumption is likely to be insufficient to ensure women with disabilities or those who are illiterate have equal access to protection and their rights.

Positive developments

It is clear that there have been positive developments in recent years. This can be seen in the drafting of new laws and policies with the most recent policies better reflecting an intersectional approach to combating and preventing violence against women in all its forms. A civil society activist with experience working with domestic violence and Roma, Ashkali and Egyptian communities stated:

Discrimination is manifested in all its forms and during all the victim's life. I think there are differences on how the victims were treated ten years ago and how they are treated now, there is a positive trend in place, though there is a long way to go. We need to work with these groups but also with police, judges and other institutions.¹¹

In terms of disability discrimination another activist stated:

Yes, there is improvement in terms of addressing discrimination. For instance, for individuals with disabilities, it was not possible to cross some main streets; thus, we have sued the municipality of Pristina. The court found violations and the Municipality respected the court decision while regulating access to these spaces."¹²

Prevention

Preventing violence against women and domestic violence requires far-reaching changes in attitude of the public at large, overcoming gender stereotypes and raising awareness. Local and regional authorities can be essential actors in implementing these measures by adapting them to specific realities. Article 12, paragraph 3, of the Istanbul Convention requires that 'Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.' This reinforces the non-discrimination provision in Article 4, paragraph 3, of the convention. It requires measures including awareness raising (Article 13), education (Article 14), training of relevant professionals (Article 15), preventive intervention and treatment programmes (Article 16) and the participation of the media and private sector (Article 17). Across all interviewees significant levels of social stigma and discrimination towards Roma, Ashkali and Egyptian and LBTQI+ women was identified. Interviewees recognised the need for not only better training of professionals but also awareness

¹⁰ Interview with key interviewee, November 2024.

¹¹ Interview with key interviewee, November 2024

¹² Interview with key interviewee, November 2024

raising and education of the general population and the specific affected communities to better prevent violence against women. Some of the causes of poor treatment related to poverty, language difficulties, lack of education and being considered 'secondary citizens'.

Prevention was viewed as a clear priority by many sources owing to failures to protect and prosecute, which leaves women and girls open to repeat abuse. Some of the insights from our interviews include the following:

In general, I believe there is a crucial need to prioritize prevention efforts. Even when a victim successfully gains access to justice, discrimination continues during the prosecution phase. Moreover, after a final verdict is delivered, the victim encounters difficulties in reintegrating, as there are no effective resocialization or reintegration processes in place, which ultimately leads the situation to revert to where it started¹³

And:

In terms of prevention, I think that we as people are the same, we stigmatize and prejudice other groups in society that are different, like Roma, Ashkali and Egyptian communities; therefore, we need to work a lot on this phase- prevention.¹⁴

An interviewee from social services provided clear insight and overview of the difficulties at the prevention stages:

Local authorities primarily focus on providing support for treatment rather than prevention or reintegration. This is due to a lack of capacity, insufficient staffing, and limited logistical resources. Although our Centre for Social Services is required to intervene when any risk factor for violence is identified, we simply don't have the capacity to address these issues effectively. We are also unable to offer financial support to victims, such as covering the costs of training programs to help them get employment or achieve long-term sustainability. Essentially, our support is limited to counselling and psychological advice after the violence has occurred.¹⁵

The issue in respect of lack of resources, staffing and training is consistent with the Government's own analysis of the implementation of the Law on Protection from Discrimination. (Report on Ex-Post Evaluation of the Law No. 05/L-021 on the Protection from Discrimination, 2023)

Where these structural issues arise it is particularly important to assess whether the intersection of different identities creates additional barriers or unfairness in the provision of services or access to justice. This will require monitoring and evaluation of policies using appropriate data collection criteria. (see below)

Awareness raising (Article 13 of the Istanbul Convention)

¹³ Key interviewee interview, November 2024.

¹⁴ Key interviewee interview, November 2024.

¹⁵ Key interviewee interview, November 2024.

The Istanbul Convention requires parties to encourage or conduct awareness raising campaigns to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of the Istanbul Convention, their consequences on children and the need to prevent such violence (Article 13). Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of the Istanbul Convention. (Article 13(2)). The purpose of this Article is to ensure that the general public is fully informed of the various forms of violence that women experience on a regular basis as well as of the different manifestations of domestic violence. This would help all members of society to recognise such violence, speak out against it and support its victims as neighbours, friends, relatives or colleagues, where possible and appropriate.

“There is a need for awareness raising activities so that women victims of violence and coming from marginalized communities understand what discrimination is, what violence is, how to report a case and so on.”¹⁶

According to the National Strategy, there were several activities undertaken under the 2016-2020 action plan to raise awareness of domestic violence and violence against women. (NSDV, 2022, pp. 17-18) One of the key objectives was ‘Reducing prejudiced attitudes and behaviours that support domestic violence, through information, education, training and ongoing awareness of professionals, communities and society as a whole’. (NSDV, 2022, p. 18) The current NSDV (2022-2026) I.1.4 included provision for monthly awareness activities on domestic violence and violence against women with a particular focus on vulnerable groups of women and girls. (NSDV, 2022, p. 55) It also includes at I.1.3 a mobilisation plan for community leaders as partners and collaborators in combatting violence against women and domestic violence. (NSDV, 2022, p. 54)

The National Coordinator for Domestic Violence/ Minister of Justice is responsible for overseeing the National Strategy on Protection against domestic violence. The Agency for Gender Equality is tasked with raising awareness in the field of gender equality and reports to the National Coordinator on their efforts in addressing domestic violence and violence against women. (NSDV, 2022, p. 24)

Interviewees focused mainly on the need to raise awareness amongst affected communities of women to ensure they know their rights, understand violence and discrimination- what it is and how to report it and what they can expect from the authorities. Conversely, some key interviewees said the state institutions need to listen to women victims of domestic violence and gender-based violence to understand their needs and be able to respond better.

Awareness raising campaigns are a basic measure used by states to prevent violence and inform women of their rights. To better reach marginalised women such campaigns could be run in conjunction with relevant NGOs/CSOs. As reported in the Assessment report (Council of Europe, 2022b), one promising example of this was an NGO led¹⁷ door-to-door campaign

¹⁶ Key interviewee Interview, November 2024.

¹⁷ See the project led in 2021 by the Network of Roma, Ashkali and Egyptian Women's Organisations under the EU-UN Women regional programme on ending violence against women, “Implementing Norms, Changing Minds” available at <https://eca.unwomen.org/en/what-we-do/ending-violence-against-women/regional-programme-in-the-western-balkans-and-turkey>

aimed at preventing early and forced marriages within the Roma, Ashkali and Egyptian communities which was run by the Network of Roma, Ashkali and Egyptian Women's Organisations, in five municipalities, in 2021. As a positive outcome, research found a large number of Roma, Ashkali and Egyptian women and men to be familiar with this campaign¹⁸, making this an interesting practice of intersectional intervention and engagement of boys and men in preventing forced marriage.

Education (Article 14 of the Istanbul Convention)

In recognition of the fact that attitudes, convictions and behavioural patterns are shaped very early on in life, the promotion of gender equality, mutual respect in interpersonal relationships and non-violence must start as early as possible and is primarily a responsibility of parents. Educational establishments, however, have an important role to play in enhancing the promotion of these values. (Explanatory Report, 2011, paragraph 94) Article 14, paragraph 2, of the Istanbul Convention extends this requirement to informal education, sports, cultural and leisure facilities and the media.

Education within affected communities as a long term solution to violence against women was raised by one key interviewee who stated that education was necessary for the prevention of early marriages among Roma, Ashkali and Egyptian women. This informant was of the view that education was the best way to prevent violence by enabling employment among Roma, Ashkali and Egyptian women. She stated:

...a Roma woman can be easily manipulated and beaten when she gets married at 13. She is unaware of what violence is and is fully financially dependent on her husband.

This informant also made clear that:

At the same time, institutions should approach these groups without prejudices and with empathy, but institutions lack empathy when treating such cases.

This informant was referring to the fact that violence then continues into adulthood and a girl married as a child may not develop the knowledge, capacity or understanding of domestic violence or economic independence that she may otherwise have obtained. A girl who is married at age 13 is a victim of child marriage and very often rape as the child cannot give a valid consent to either the marriage or any marital intercourse.

It is noted that the current NSDV contains a requirement to carry out two annual awareness raising campaigns for parents to prevent early marriage between 2022 and 2024 but there is no similar provision for children. (NSDV, 2022, p. 58)

Training of professionals (Article 15 of the Istanbul Convention)

¹⁸ According to the 2021 survey on Public Perception of Gender Equality and Violence Against Women conducted by Kosovo Women's Network about 64% of the Roma, Ashkali, Egyptian respondents have heard about this campaign. All respondents from Roma, Ashkali and Egyptian communities agreed that early marriages should be banned.

The training for relevant professionals on the prevention and detection of violence against women and domestic violence, equality between men and women, the needs and rights of victims and prevention of secondary victimisation is mandated by Article 15. Successful training will enable relevant professionals to acquire the appropriate tools for identifying and managing cases of such violence, take preventive measures and foster the sensitivity and skills required to respond appropriately and effectively on the job. (Explanatory Report, 2011, paragraph 99)

Training of professionals is therefore key to ensuring equal protection and prevention of secondary victimisation of women and girls who are victims of gender-based violence. This is especially the case for those subject to intersecting forms of discrimination because bias and prejudice are present among state agents and professionals in contact with them. (Council of Europe, 2022a) Law and policy is only effective if the people responsible for implementing it understand how to do so. This requires sensitisation and training not only in legal principles but also in approach.

The NSDV 2022-2026 envisaged extensive training across 2022-2024. Much of this appears to have been directed at the police and judiciary and there were no actions planned specifically on intersectional and multiple forms of discrimination. (NSDV, 2022, pp. 77-83)¹⁹ As with future policy development it is important to name intersectionality as an issue that requires training for it to be properly taken into account in training programmes.

Throughout the interviews conducted in late 2024, after much of this training should have been concluded, many key respondents considered that multiple and intersectional discrimination was well covered by laws and policies, partly on the grounds of the Istanbul Convention being part of the Constitution. However, most NGOs/CSOs' and some Government interviewees still thought that implementation was lacking and that this was largely owing to the mentality and mindset of professionals.

Training of professionals and in particular, sensitisation, to both domestic violence and violence against women and multiple and intersectional discrimination was identified as fundamental to overcoming this problem. One key interviewee stated:

... we need to work with the mindset of service providers rather than with law changes. We have protocols and administrative instructions, but people who work there are the main problem, they need to be educated and trained.²⁰

This type of training requires a very different approach to imparting knowledge about law and policy.

Secondly, key interviewees note that where relevant professionals are trained, there is often no systemic training programme, outcomes are not monitored and evaluated and it was thought that some of the training in respect of intersectional discrimination is superficial and implementation suffers as a result.

¹⁹ It should be noted that the Council of Europe project is working together with the local authorities to strengthen the capacity of legal professionals to deal with domestic violence.

²⁰ Key interviewee interview, November 2024.

As outlined above, in some situations, offering the same treatment to people who are in different situations may put certain people at a particular disadvantage. For example offering the same treatment and services to a Roma woman experiencing violence in a remote community as a non Roma woman in Pristina will not necessarily result in an equal outcome. (European Union Agency for Fundamental Rights and Council of Europe, 2018, p. 59) In this case, it is not the treatment that differs, but rather the effects of that treatment, which will be felt differently by people with different characteristics. Treating people the same can result in indirect discrimination. The research has disclosed that this is not as well understood as it should be in more than one institution and is therefore an area where training would be effective.

During the steering group meeting it was noted that training on the **digital dimension of violence against women** would be required because of the evolving nature of the manifestations of such violence

Social services have received 'partial superficial training in respect of intersectional discrimination' but it was recognised that there is a need for further intervention to increase the ability to respond appropriately to violence against women and domestic violence with an intersectional lens. Additionally, one key interviewee identified a need to raise capacities among social services staff in the Centres for Social Work in respect of multiple and intersecting forms of discrimination.

Kosovo Police has a training academy however there is no mechanism in place to measure the results of any training and training does not appear to be systematic. The police identified that training should be provided to all investigators particularly where there is a new law or policy as they would need to know and understand this. However, there is a system of random inspections by the Directorate of Prevention and Investigation of Domestic Violence to monitor how cases are treated by police stations throughout the jurisdiction. Each station sends a daily report which is reviewed and where the Directorate identifies problems it will consider what kind of training may be needed and contact the Office for Training within the Police²¹

The Legal Aid Agency receives a considerable number of trainings (40 trainings last year including on domestic violence and gender-based violence) however it is not known if this is effective as it is not monitored and the agency reports that it does not have the tools to do such monitoring. However, it was asserted that staff do not discriminate because they offer the same support to all victims that come to the office "no matter their background or ethnicity".²²

Victim advocates of the Victim's Advocacy and Assistance Office, which is a unit under the State Prosecution Offices were considered by key interviewees to lack training and knowledge on treating women victims of violence and domestic violence who experience intersectional discrimination.

²¹ Key interviewee Interview, November 2024

²² Key interviewee Interview, November 2024

Avenues for intervention: Prevention

General:

- Increase prevention efforts ensuring that the compound difficulties experienced by women with intersecting vulnerabilities are addressed.
- Monitor and evaluate the effectiveness and impact of awareness raising and training programmes against measurable indicators.

Awareness raising:

- Develop and implement awareness raising campaigns, preferably in conjunction with NGOs/CSOs, targeting different groups vulnerable to violence against women and domestic violence to better enable these groups to recognise abuse and know where and how to seek help.
- Monitor and evaluate the impact of the mobilisation of community leaders in preventing and combatting domestic violence as envisaged in the NSDV.
- Develop and implement awareness raising campaigns for the general public including members of staff in state institutions to tackle different forms of discrimination and to promote an understanding of how discrimination on different grounds may intersect.

Education and training

The promotion of gender equality, mutual respect in interpersonal relationships and non-violence must start as early as possible and is primarily a responsibility of parents. Educational establishments, however, have an important role to play in enhancing the promotion of these values.

Training that ensures knowledge on the particular characteristics or needs of women facing intersectional discrimination, and on the impact of intersectional discrimination in accessing information, services and support allows professionals to gain knowledge to detect violence at early stages, and to avoid revictimisation and discrimination on any grounds in their response.

- Ensure education of women and girls, including teaching material in formal curricula and at all levels of education on their right to personal integrity as well as information about early marriage, violence against women and girls, including domestic violence, and discrimination.
- Develop and implement training programmes addressing intersectional discrimination, violence against women including its digital dimensions and how it arises in service provision across all relevant professions with a particular focus on police, judicial actors including victim advocates and social workers. Training programmes should be designed to sensitise professionals to the behaviours and experiences of women experiencing intersectional discrimination and explain how to identify and overcome this form of discrimination. Particular attention should be paid to the structural and institutional causes of discrimination, how this impacts prevention

mechanisms and the barriers women face in accessing protection and justice systems. Finally, this training should also identify how to empower women experiencing intersecting discrimination to break the cycle of violence and how to effectively intervene with perpetrators who have previously benefitted from structural discrimination against victims.

As outlined in the report ‘Ensuring non-discriminatory implementation of measures against violence against women and domestic violence: article 4, paragraph 3, of the Istanbul Convention’ (Council of Europe, 2022a, p. 42), training should focus on the gendered nature of violence against women and invite professionals to reflect upon their practice and their own prejudices; it should also address negative attitudes and stereotypes that stand in the way of adequately protecting and supporting women victims of gender-based violence, irrespective of their background or circumstances. Because structural violence and secondary victimisation can affect some women’s ability to disclose violence to the police or other professionals, such as social workers or healthcare professionals, it is important that they understand women’s complex experiences with gender-based violence to adequately respond to their needs. Thus, the training of professionals would benefit from introducing the views and participation of women subjected to intersectional discrimination.

Moreover, professional training should be based on clear protocols and guidelines and aim at setting the standards that staff are expected to follow in their respective fields, either for the handling of violence or for assessing the risk. It should include protocols and guidelines for referral amongst agencies as well as coordination/cooperation procedures amongst authorities dealing with violence, and should incorporate practices for sharing expertise and experience in handling such cases as well as procedures for supervision and accountability. Training should also refer to the appropriate conditions for professional reporting, and remind professionals that women and girls must retain their autonomy and be informed throughout the process. (Council of Europe, 2022a, p. 42)

Protection

Article 18, paragraph 3, of the Istanbul Convention, explicitly requires states parties to take the necessary measures to protect all victims from any further act of violence in ways that address the specific needs of women who are made vulnerable by particular circumstances. The obligation to protect includes, amongst others, the provision of information about support services and rights assisting victims of gender-based violence, as well as access to general services facilitating recovery, including legal aid, financial assistance, housing or training and assistance in finding employment. (Council of Europe, 2022a)

Protection was seen as deficient by many key respondents, in particular because of the short-term nature of any protection provision which results in women returning to abusive situations. There was a clear reference to a lack of institutional funding. Language and translation issues are a barrier to providing information and support. Access to general services for Roma, Ashkali and Egyptian, LBTQI+, women with disabilities and women from rural populations was considered an issue by many key respondents. Inadequate shelter provision

with notable gaps for LBTQI+ women, women with boy children over 13 and access difficulties for women with disabilities was also raised as a key issue.

The most challenging needs of women victims of violence at risk of multiple and intersectional discrimination include sheltering, reintegration/resocialization and their employment. It is very hard for them to find a job, they lack financial independency and sometimes they are obliged to return and live with the abuser.²³

Throughout the interviews, in addition to structural discrimination, some basic barriers to justice for women with disabilities and women living in isolation or rural areas were identified. Women with disabilities can face immense barriers in simply entering the buildings where they seek assistance owing to the presence of stairs. Likewise, women living in isolation or rural areas struggle to access support services due to significant travel challenges, especially if they do not have a car or the ability to drive.

Provision of information (Article 19 of the Istanbul Convention)

Victims should receive adequate and timely information on available support services and legal measures in a language they understand. In the immediate aftermath of violence, victims are not always in a position to take fully informed and empowered decisions and many lack a supportive environment. This provision lays particular emphasis on the need to ensure that victims are provided with information on the different types of support services and legal measures available to them. The term “adequate information” refers to information that sufficiently fills the victim’s need for information. This could include, for example, providing not just the name of a support service organisation, but handing out a leaflet that contains its contact details, opening hours and information on the exact services it offers. (Explanatory Report, 2011, p. 124)

Many informants identified the lack of information in sufficient languages as a barrier to protection. Additional issues raised related to the lack of telephones or knowledge of technology which particularly impacts women in rural areas and/or women from ethnic minorities. It was also noted that for some ethnic groups there is lack of awareness and information of their rights and a “...lack of trust that their requests will be taken into consideration since a discourse has been created that whatever you say or need the administration/state will not take it seriously.”

General and specialist support service (Articles 20 and 22 of the Istanbul Convention)

Article 20 requires the provisions of general support services to facilitate a victim’s recovery from violence. General support services refer to help offered by public authorities such as social services, health services, employment services, which provide long-term help and are not exclusively designed for the benefit of victims only but serve the public at large. By contrast, specialist support services have specialised in providing support and assistance tailored to the – often immediate – needs of victims of specific forms of violence against women or domestic violence and are not open to the general public. (Explanatory Report, 2011, p. 125)

²³ Key interviewee Interview, November 2024.

Societal prejudices inevitably find their way into support services because support services are staffed by members of society. Intersectional and multiple discrimination against Roma, Ashkali and Egyptian communities is described as 'pervasive', from courts, hospitals, centres for social services, schools, administration, political parties etc

A key interviewee stated that "All Centres for Social Work have the same structure and operate under the same legislation. The only difference may be the building where the centre operates which can be different (some are older, some newer). The centres offer support to 74 categories of citizens, women experiencing domestic violence or gender-based violence being one of them. We offer counselling and psychologic support." Social services recognise that each case is different and requires individual assessment of needs. The key interviewee indicated that where support is offered using translation this can result in empathy decreasing.

Centres for Social Work lack staff, financial and other resources and training. Members of staff, in common with society, exhibit lack of empathy and entrenched discrimination against Roma, Ashkali and Egyptian communities.

Similar concerns arise for LGBTQI+ women. It was also noted that some social work professionals have entrenched patriarchal attitudes. Key challenges for social services were identified as including: a) small resources as an institution (both human and financial), b) lack of logistical support including phones and cars, c) lack of specialised employees to deal specifically with these groups (women victims of gender-based violence, including domestic violence, who experience intersectional and multiple discrimination), d) an inability for social services to intervene at an early stage where there are indicators that could lead to violence; e) the challenge to support immediate needs such as food and healthcare f) an inability to offer or support reintegration and empowerment. There are particular concerns about the lack of training and understanding of intersectional issues²⁴

One key interviewee stated that Roma, Ashkali and Egyptian women were subject to prejudice and received more superficial services with the notable exception of services provided by shelters which was said to be "much better".

In terms of barriers to receiving support and assistance one key interviewee noted "In receiving services Roma women face particular difficulties because they are poor, lack knowledge, lack a telephone and lack support from family and friends whereas LGBTQI+ face stigmatisation and fear their family." Another key interviewee referred to the challenges for women with disabilities explaining that those who are provided with social assistance sometimes do not have access to it because it is taken and used by their family members instead. Women who live in rural areas and are poor, are difficult to reach by service providers because the travelling is challenging which also impacts their ability to reach the police and other protection services. Many do not drive which further increases this difficulty. They also lack the technological knowledge that would enable them to report violence.

²⁴ Key interviewee Interview, November 2024.

A common theme across all vulnerable groups that leads to difficulties accessing support was poverty. Poverty is an impactful factor and both economic dependency and lack of accommodation result in women in poverty returning to their abusers. As those in poverty are more likely to come from already marginalised groups this intersecting vulnerability must be taken into account when considering protection needs.

Specialist support services (Article 22 of the Istanbul Convention)

Under Article 22 of the Istanbul Convention Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of the Istanbul Convention. The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialised and experienced staff with in-depth knowledge of gender-based violence. (Explanatory Report, 2011, p. 132)

Shelters (Article 23 of the Istanbul Convention)

As identified in the "Assessment of the alignment of Kosovo's laws, policies and other measures with the standards of the Istanbul Convention" (Council of Europe, 2022b):

...certain women may experience additional barriers to accessing shelters. For instance, women with disabilities face physical and communication barriers due to the lack of accessibility. In addition, no specific shelters are tailored to the needs of LGBTQI+ women, who are sheltered on an ad hoc basis. Similar problems exist for women using psycho-active substances. Besides, Roma, Ashkali, Egyptian women and women from Serb communities may encounter problems in being supported by staff speaking a language they understand or who are trained to support them in a culturally sensitive manner.²⁵

These concerns were echoed by the key interviewees, however, most still thought that the staff of shelters had a good understanding of intersectional issues.

Women with disabilities face particular difficulties in accessing shelters. One disability focused NGO stated that they were not capable of providing support to women with disabilities victims of violence and recognised this group was both unlikely to report violence and also had difficulty escaping it owing to both physical barriers and a significant lack of service provision. A key interviewee stated "Protecting this category of women is particularly challenging due to the inadequate physical conditions of sheltering services. These facilities are not equipped to accommodate their specific needs—not only is access with a wheelchair problematic, but essential elements like beds, toilets, and other infrastructure fail to provide the necessary support for this group."

²⁵ Key interviewee Interview, November 2024.

Roma, Ashkali and Egyptian women were identified by informants as generally (but not always) well treated by staff in shelters but experiencing discrimination from other shelter inhabitants. However, in respect of Roma, Ashkali and Egyptian women and transwomen one key interviewee stated:

Most of these two categories do not report violence and discrimination due to social stigma and lack of institutional trust. Overall, lack of sustainable support including the following three elements: long-term sheltering, financial support, and support for employment, makes it difficult for the victims to leave the cycle of violence.”

There is only one women’s shelter that accepts LBTQI+ women, and is located in Tirana. Two individuals have left to Albania to seek shelter in the Shelter centre in Tirana.²⁶ (Telegrafi, 2024)).

Difficulties identified by key interviewees include overcrowded shelters where women, in particular women with children, find it very difficult to stay longer in these shelters. One interviewee stated “These shelters operate under strict restrictions, where women are not allowed to have phones, and their children can only attend school and return directly afterward. The lack of sustained state support means that women are not given the necessary resources to break free from the cycle of violence. They receive little assistance in securing employment or accessing long-term housing subsidies, making it difficult for them to rebuild their lives independently.” As identified previously (Secretariat of the monitoring mechanisms of the Council of Europe Convention on Combating Violence against Women and Domestic Violence, 2022) a systematic gap exists regarding the situation of boys above the age of 12 years, who cannot access shelters with their mothers. Hence, they must live separately from their mother in shelters for children or stay with the abusive parent or the family of the abusive parent. While the reasons behind the age limit are understandable, such separation presents a real risk of re-victimisation and secondary victimisation for boys and their mothers, discouraging women from leaving abusive relationships.

Training of shelter staff in respect of intersectional issues was foreseen under the previous National Strategy (2016-2020) but not completed. (NSDV, 2022, p. 20)

Telephone helplines (Article 24 of the Istanbul Convention)

Helplines are one of the most important ways of enabling victims to find help and support. (Explanatory Report, 2011, p. 136) As of 2022 the Victims Advocacy and Assistance Office helpline was not accessible in Romani languages and therefore not accessible to Roma, Ashkali and Egyptian women. (Council of Europe, n.d., p. 50) The NSDV (2022-2026) foresees closing this gap by ensuring the functioning of a helpline in all official languages. While conducting this research, the Ministry of Justice was developing the Administrative Instruction on the helpline.

Support for victims of sexual violence (Article 25 of the Istanbul Convention)

²⁶ Key interviewee Interview, November 2024

The Istanbul Convention requires the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims of sexual violence in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims. (Article 25). The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. (Explanatory Report, 2011, p. 138)

As reported by Kosovo Women's Network in 2021 there are no specialised services for victims of violence other than domestic violence. (Kosovo Women's Network , May 2021). The State Protocol for treatment of sexual violence cases (2022), elaborated above, however provides a very good explanation of intersectional discrimination and how it could impact the ability of women victims of violence to report and obtain protection.

Avenues for intervention: Protection

- Ensure all relevant professionals are trained on recognising how being exposed to intersecting grounds of discrimination impacts a victim's ability to access support services for women and girls at risk of or experiencing gender-based violence, including domestic violence. (see the section on training professionals (article 15) above)
- Review physical accessibility of general and specialist support services and take action to ensure women with mobility difficulties or living in rural or isolated areas have access.
- Ensure the provision of hotlines in multiple languages, making them accessible to women of all ethnic backgrounds. These should also be accessible to women with disabilities.
- Ensure that all relevant professionals are trained in respect of the State protocol for treatment of sexual violence cases.

Shelters:

- Shelters should develop and approve a non-discrimination policy covering both staff and shelter residents to be included within the shelter rules and include it as part of the shelter regulation. Inhabitants of shelters should be informed of the rules and understand that discriminatory verbal and non-verbal gestures are not tolerated.
- Implement the recommendations in Quality Guidelines for Shelters for Victims of Violence Against Women and Domestic Violence: Enhancing services for victims (Council of Europe, 2021, p. 20)

Prosecution

Incidents of violence against women and domestic violence should not be assigned low priority in investigations and judicial proceedings (Istanbul Convention, Article 49). This means that investigation and prosecution should be carried out without undue delay. Moreover effective measures are required in respect of the immediate response, prevention and protection of victims. This includes the employment of preventive operational measures and the collection of evidence (Istanbul Convention, Article 50). All of these issues may be impacted by intersecting characteristics of the victims and the way in which they are viewed by the relevant authorities.

All state institutions were said to lack empathy and sensitivity towards groups likely to experience intersecting and multiple forms of discrimination with police, the Centres for Social Services, and Courts identified as those who lack these the most. Key interviewees were of the view that throughout the justice system there is a lack of capacity and understanding in how to respond to multiple and intersectional discrimination.

Police response

According to the NCDV (2022-2026):

From the assessments carried out by civil society organizations regarding the implementation of the obligations of the institutions responsible for dealing with cases of domestic violence, regarding the Kosovo Police, it is evident that Kosovo Police officers who respond to domestic violence are more aware of their duties and the way of handling such cases, compared to their knowledge and level of awareness in 2017.

In 2021 a report from Kosovo Women's Network "From Laws to Deeds" (Kosovo Women's Network, May 2021) found that despite some marked improvements, officers tend to confuse gender-based violence with domestic violence and have less knowledge on sexual assault and sexual harassment. There were concerns relating to victim blaming and failing to investigate suspicions of gender-based violence ex officio. It was reported that officers still seem inclined to remove victims from shared settlements and that the police do not always conduct comprehensive risk assessments to ensure proper victim protection.

Against this general background, some key interviewees noted that there may be areas for improvement in how some police officers engage with women victims of gender-based violence, especially given their important role as the first point of institutional contact. Women from national minorities and transwomen are reportedly treated with stigma and prejudice when they report violence.²⁷ One experienced activist stated:

... in my previous work, we collaborated with the police to visit neighbourhoods where mainly non-majorities live and raise awareness about institutional mechanisms, which led to an increase in reported cases. There was one case I witnessed when the police did not take victim's reports seriously. A Roma woman alerted the police about domestic violence, officers arrived and directly asked the perpetrator,

²⁷ Key interviewee Interview, November 2024.

‘Why did you hit your partner?’. He responded that she refused to sleep with him. The police then turned to the victim saying that it is your responsibility to sleep (have sexual act) with your husband”. This reflects the type of response victims in these communities may receive—where instead of providing protection, authorities ask questions that justify violence and reinforce the perpetrator’s actions.²⁸

Other institutions have also said that they lack understanding of multiple and intersectional discrimination, including the judiciary and Centres for Social Work that sometimes tend to seek to reconcile couples.

One CSO representative stated, “We think that the police lack the most capacity in relation to dealing and understanding of multiple and intersectional discrimination. A victim centred approach is lacking in this institution. Victim blaming can also be found in police stations.”²⁹

A key interviewee from the police, on the other hand, responding to whether there were any challenges dealing with victims who could be subject to intersectional discrimination, stated:

As the police, we do not face any major challenges. When a victim arrives at the station, we immediately call the social worker from the Centre for Social Work and the victim advocate. However, in most cases, the victim advocate does not show up, leaving us responsible for conducting the risk assessment ourselves and forwarding the information to the prosecutor. To ensure victims feel safe and comfortable, we have designated “friendly rooms” at the station. Additionally, our officers receive training on domestic violence to better support victims. The only significant challenge arises when victims arrive at night with children and require financial assistance for essentials like food or diapers. Since there is no dedicated budget for such emergencies, our officers voluntarily purchase food and water for them when needed or upon requests.³⁰

Within this response, there appeared to be limited acknowledgment of the need for tailored approaches to address structural discrimination and intersectional barriers to accessing justice. The police have Standard Operating Procedures which are in the process of change, and also have internal operating procedures which also consist of a list of questions for interviewing the victim and information for the police on how to coordinate with victim advocates and the Centre for Social Services. These measures do not directly tackle discrimination and the word discrimination is not listed in the “Standard Operating Procedures for protection against domestic violence” currently in implementation. There are no separate measures or recognition of multiple or intersecting forms of discrimination in these documents and a key interviewee stated: “..., we do not have any separate measures, we treat all victims, no matter if she is a Roma, from a rural village, or whatsoever, we treat them with respect and dignity. Yet, one measure could be considered confidentiality during the process, we keep confidential the identity of the victim and this is important so that they trust our institution.”

²⁸ Key interviewee Interview, November 2024.

²⁹ Key interviewee Interview, November 2024

³⁰ Key interviewee Interview, November 2024.

As noted above, there seems to be a limited awareness of how structural and societal factors can contribute to direct or indirect discrimination when multiple factors intersect, and how applying uniform approaches to individuals with differing circumstances may unintentionally lead to unequal treatment or outcomes.

The Justice system response

One informant stated that courts do not understand multiple and intersectional discrimination and have a tendency to use conditional decisions which do not sanction offenders. This results in the cycle of violence continuing. This is a more general issue but should be monitored for discriminatory impact.

The Courts and other institutions are said to display victim blaming attitudes in respect of women in poverty which may influence the outcome of cases. One interviewee stated:

there are instances where women victims were unfairly judged based on their appearance, including their clothing. Additionally, in cases where the husband or perpetrator was wealthier than the victim, judges were more inclined to trust him over the victim. This bias towards judging a woman's culpability based on her dress or other aspects of appearance led to situations where the victim was perceived as the aggressor, while the actual perpetrator was viewed as the victim.³¹

Women victims of gender-based violence can be exposed to multiple and intersectional discrimination. For instance, single mothers face challenges getting the alimony for children. One key interviewee stated that abusers may take steps to hide their income or wealth for example by putting it into their parent's name. This informant believed perpetrators were able to do this because there is no adequate investigation by the police or prosecutor into the relevant financial circumstances.

Attitude of prosecutors:

Key interviewees said that prosecutors do not have a clear understanding of the concept of multiple and intersectional discrimination and how it can impact the experience of victims going through the court proceedings.

Women victims of domestic violence and gender-based violence that are at risk of intersectional and multiple discrimination are not faced with any difficulty due to their background or race, poor economic status, or anything similar. In my view, prosecutors do their job in accordance with legislation and treat all equally. Although, if someone comes with low education, prosecutors try to explain in simpler terms, and if there is need for translation, translation is provided; other than that, prosecutors do not have to think or care about victims' finance, in terms of whether the victim needs to come by changing few buses and whether she has to pay or not for transportation, these things are not taken into consideration by the prosecutor during the collection of evidence or criminal prosecution.³²

³¹ Key interviewee Interview, November 2024.

³² Key interviewee Interview, November 2024

Key interviewees acknowledged that during the criminal proceedings prosecutors can be unprofessional or can show negligence due to lack of knowledge. For instance, they struggle to identify psychological or economic violence as opposed to physical harm which they are more experienced in identifying. However, it was asserted that prosecutors do not discriminate against victims just because they are women and Roma, or single parents. Women with different sexual orientations can be looked at differently, but it does not influence the work of the prosecutor, because it is clear what the prosecutor needs to do, to gather evidence. It was also said that it is not the work of prosecutors to take into consideration the background of victims, their social-economic status or anything similar during the evidence collection process or the criminal prosecution. Instead, it was said the focus should be on increasing the number of victim advocates and training them on recognising when victims of gender-based violence against women are exposed to multiple and intersectional discrimination.³³

There was, however, recognition that for women with low levels of education a prosecutor had a duty to explain the victim's rights and that they would do this "in very simple terms and they do, depending on the background of the victim."³⁴

Prosecutors stated that they treat all "equally" which suggests a lack of understanding of the impact of the intersection of different factors that might impact the ability of a woman to obtain justice. For example, the barriers to a poor Roma, Ashkali and Egyptian woman living in a rural area who was a victim of domestic violence to achieve justice were dismissed as "not relevant" to the prosecutor owing to a narrow approach to the prosecutor role as being 'to gather evidence'. To gather evidence properly requires an understanding of the way in which people from different backgrounds or with different life experiences may give that evidence or face structural barriers in providing evidence. This may include taking care over use of language, understanding when body language suggests that a person may not be disclosing the full extent of their experiences, sometimes understanding why victims may lie about something or change their minds. It also requires the evidence gatherer to understand the difficulties of working with interpreters, how to obtain the trust of their interviewee and sometimes practical constraints such as child care and costs of travelling to provide evidence.

Although a victim advocate can be a strong protective factor against discrimination, following the approach required by the Istanbul Convention, all actors in the justice apparatus should be aware of and understand the impact of multiple and intersectional discrimination.

It therefore appears that some reinforcement of how unconscious bias and membership of particular groups impacts the ability to obtain justice is required. This should be framed under discrimination law principles in terms of access to services to ensure that it becomes seen as the work of prosecutors to ensure victims do not experience indirect or intersectional discrimination through the justice system.

³³ Key interviewee Interview, November 2024

³⁴ Key interviewee Interview, November 2024

Risk assessment and risk management (Article 51 of the Istanbul Convention)

Concerns for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the scope of the Istanbul Convention. Article 51 requires an effective risk assessment and management established on a case by case basis.

One key interviewee believed that the danger that the perpetrator presents is not well assessed by the police³⁵. This interviewee said that Centres for Social Services offer support only once the violence takes place with counselling or physiological advices, rather than engaging in prevention actions. The police standard operating procedures require them to "...ask the victim what age they are, where do they live, what is their level of education and their ethnicity..." and this was said by the informant to enable the police to "understand the different grounds on which the victim can be discriminated." The Standard Operating Procedures (SOP) cover domestic violence but they do not talk about other forms of gender-based violence because they were drafted before laws relating to gender-based violence were introduced. These standard operating procedures are currently being amended and new ones are expected soon.

One key interviewee stated that emergency barring orders and restraining and protection orders are available in law but not much used in practice and the general view is that they have not been working owing to the lack of electronic bracelets. They have now been approved and guidelines for use issued. These are internal operating documents that could not be consulted. The issuing and use of these bracelets should be monitored to ensure there is no discrimination in its provision or use.

Measures of protection (Article 56 of the Istanbul Convention)

Key interviewees identified victim advocates as a potential protective factor however there is a lack of advocates and variable quality in the service provided by them, many of whom are overloaded with work. The police estimate that there is no victim advocate in the vast majority of cases. Some key interviewees reported that victim advocates often lack understanding of multiple and intersecting discrimination. One member of civil society stated:

The role of the victim advocate is important; they are very low in numbers and it is difficult to effectively do their job. I do not think that they discriminate, maybe they do not understand all forms of violence, but on purpose they do not discriminate.

Legal aid (Article 57 of the Istanbul Convention)

There are some good and promising practices in terms of the service of the Free Legal Aid Agency that may help to support victims exposed to intersectional discrimination. However, there are some remaining concerns, such as the design of their building in Pristina that does not allow women with mobility issues to access the office, which is on the second floor, without a lift. It is degrading for a person with disabilities to have their appointment in the street because they cannot get into the building.

³⁵ Key interviewee interview, November 2024

The Free Legal Aid Agency reported that “with the latest law amendment of the Law on Agency for Free Legal Aid, women who are faced with violence are direct beneficiaries of our support, which is very positive.” To access this support a woman must be recognised as a victim of domestic violence. At the stage of criminal proceedings the Free Legal Aid Agency will assign a lawyer to the victim if a report from the police is provided for domestic violence. If the perpetrator is convicted, the agency can also provide legal aid for any civil proceedings relating to alimony, children or protection issues arising.

Our Agency has a strategy of information in place which aims to empower vulnerable groups with legal information and the work the agency does. In order to reach people of communities, we collaborate with the municipal officer for communities (each municipality has one) and we participate in all events that they organize with their community. We also have MoU with NGOs/CSOs and through them we reach other vulnerable groups. For instance, we cooperate with HANDIKOS a lot while participating in their events to inform people with disabilities who are victims of domestic violence about what we do. Lately we have also established nine mobile offices; thus, now we are covering the entire territory ...

...We offer services in all languages the citizens speak, our mobile offices are spread across the territory; however, we lack staff and we have a very high number of citizens asking for help. Access to our main branch in Pristina is a problem, but our mobile offices are either in the first floor or there is an elevator. We also in most cases try to offer support from our women officials and not men, because it is easier for them to express themselves and some victims require that the support comes from a woman.³⁶

This demonstrates that there is recognition of some of the intersecting factors that cause barriers to justice including the attempts to reach rural populations by using mobile offices, employing staff who speak relevant languages and undertaking outreach work with communities.

Avenues for intervention: Prosecution

- The review of the SOP and internal operating procedures for the police could provide an important avenue for change and examples and guidance be provided on how to address and overcome multiple and intersecting discrimination in the police response. Firstly, the review should ensure that factors that could lead to increased risk owing to the intersection of different factors is clearly explained. Secondly, there should be clear pathways to multi agency working involving relevant NGOs/CSOs where necessary. Thirdly, there should be training on the new Standard Operating Procedures to ensure all relevant personnel are able to implement them. The State Protocol for Treatment of Sexual Violence Cases could be drawn on for guidance.
- Similarly, there are clear lines in the NSDV to address training of prosecutors and the judiciary. It is essential that this training includes sensitisation to victims as witnesses

³⁶ Key interviewee Interview, November 2024

and multiple and intersecting discrimination. This should enable an understanding of the types of adjustments that might prove necessary where, for example, a victim has child care needs, has disabilities, cannot easily reach the prosecutor or the Court, is experiencing mental health difficulties or stigma impacting on her ability to give evidence.

- Risk assessment and management is a clear area where improvements could be made and a good avenue for cooperation. Throughout the research the lack of understanding of both discrimination and how it operates and sensitisation to victims was clear across most agencies. Systematising risk assessment and management through multi-agency processes to include multiple and intersecting forms of discrimination and providing training for the purposes of implementation may be the area where cooperation could have the most impact.
- Protection and barring orders should be reviewed to ensure that they take into consideration the particular circumstances that make women and girls vulnerable to gender-based violence. Guidance should accompany the implementation of electronic monitoring of perpetrators to ensure that there is no discrimination in either access or use owing to factors such as race, access to telephones, location, levels of knowledge. Location can be particularly important as the size of the prohibited area may need to change depending on whether the victim is in a city or rural area. (Nellis, 2015) (Council of Europe, 2023)

Avenues for intervention in the area of Co-ordinated Policies

The Istanbul Convention requires an integrated approach to be taken to policies designed to combat and prevent violence against women and domestic violence. This includes adopting comprehensive and co-ordinated policies (Article 7), ensuring the allocation of appropriate resources (Article 8), the collaboration with NGOs (Article 9), the existence of a co-ordinating body required to coordinate, implement, monitor and evaluate policies and measures taken under the Istanbul Convention (Article 10) and comprehensive data collection and research (Article 11).

A key issue raised by many interviewees related to the lack of coordination both across institutions and with NGOs/CSOs. In addition one key interviewee called into question the efficiency and accountability of the entire system with concerns raised about the expertise of workers who face the victims in Centres for Social Work, in police, and other authorities. (Key interviewee interview, November 2024) Some of these concerns were clearly linked to a lack of sufficient and sustainable funding however there are avenues for improvement in terms of joined up policy and implementation.

The state needs to work closely with victims of domestic violence and gender-based violence at risk of multiple and intersectional discrimination, to hear from them, and to work with them in prevention, raising awareness. There needs to be an increase in the number of workers in centres for social services and victim advocates³⁷

³⁷ Key interviewee Interview November 2024

A lack of coordination between relevant agencies can lead to a disproportionately adverse impact for women with intersecting vulnerabilities. For example, a disabled Roma woman experiencing violence may be dealt with well as a Roma woman under the Roma policy, as a disabled woman under the disability policy and as a woman experiencing violence under the domestic violence policy but her individual needs based on the intersection of all these factors may not be met.

The report 'Assessment of the alignment of Kosovo's laws, policies and other measures with the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)' (Council of Europe, 2022b) recommended that the authorities enhance long-term co-ordination in developing, implementing and monitoring policies giving due importance to preventing and combating all forms of violence against women including by strengthening the continuous and efficient functioning of existing co-ordination mechanisms at central and municipal level. This co-ordination should include consideration of some additional key policies aimed at tackling structural discrimination towards groups such as Roma, Ashkali and Egyptian, women with disabilities and LBTQI+ women.

Financial resources (Article 8 of the Istanbul Convention)

Within the interviews it was commonly stated that there were insufficient financial resources for key entities. In the 'Assessment of the alignment of Kosovo's laws, policies and other measures with the standards of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)' (Council of Europe, 2022b) strong recommendations addressed the need to increase the stability and level of funding granted to specialist NGOs to remedy gaps in the provision of specialist support services, especially shelters for victims of violence against women. The recommendations suggested replacing the annual tendering procedure by a stable multi-annual funding scheme. (Council of Europe, 2022b) . It was also recommended that the authorities ensure appropriate human and financial resources for all institutions and entities mandated to implement measures aimed at preventing and combating violence against women, including the municipal co-ordination mechanisms against domestic violence.

Data collection and research (Article 11 of the Istanbul Convention)

Systematic and adequate data collection has long been recognised as an essential component of effective policy-making in the field of preventing and combating all forms of violence covered by the scope of the Istanbul Convention. (Explanatory Report, 2011)

Preventing and combating violence against women and domestic violence requires evidence-based policy-making. This implies effectively documenting the magnitude of violence by producing robust, comparative data in order to guide policy and to monitor the implementation of measures to address the problem.

At present data collection appears to be limited, resulting in limited monitoring and evaluation. Effort should be put into monitoring and evaluating measures taken under the various national action plans and strategies and to ensure that the data collected is sufficiently dis-

aggregated to enable a proper identification and analysis of intersectional discrimination. All data collection must comply with data protection and privacy laws.

The Ombudsperson Institution is mandated to initiate ex officio investigations into alleged discrimination by public authorities and has been monitoring the implementation of the Anti-Discrimination law. However, the Ombudsperson institution reported that other institutions do not always reply to their requests for information or further data. They have also examined a number of cases and will be reporting in 2025.

Avenues for local intervention: Policies

- Improve inter agency working and coordination ensuring the inclusion of relevant NGO/CSOs and affected women and girls in the development of policy.
- Ensure coordination efforts also consider relevant policies directed to addressing structural discrimination and disadvantages across different protected groups.
- Improve data collection efforts to ensure that appropriate, disaggregated data can be used to monitor and evaluate the impact of all policies pursuing the aim of tackling intersectional and multiple discrimination.
- Empower the Ombudsperson to obtain the information and data needed to conduct investigations by ensuring that other state institutions are required to comply with reasonable requests for information. Facilitate the ability of such institutions to do so when designing data collection policies.

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