

An analysis of domestic violence and gender-based violence perpetrator services offered in Kosovo

SIT - Center for Counseling, Social Services and Research



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List of acronyms

AI-s - Administrative Instructions

CoE - Council of Europe

CSW - Centres for Social Work

DV - Domestic Violence

GBV - Gender-based Violence

KFPI - Kosovo Forensic Psychiatric Institute

KGSC - Kosovar Gender Studies Center

KP - Kosovo Police

KPHD - Kosovo Prisons' Health Department

KWN - Kosovo Women's Network

LPDV - Law of Protection against Domestic Violence

MH - Ministry of Health

MFLT - Ministry of Finance, Labor and Transfers

KPS - Kosovo Probation Service

KCS - Kosovo Correctional Service

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Abstract

Domestic Violence and Gender-Based violence are some of the major challenges faced by Kosovo's institutions. Perpetrator programs are important elements of an integrated and comprehensive approach to preventing and combating domestic violence and gender-based violence. Focus groups were used to explore services working with perpetrators of domestic and gender-based violence provided from Kosovo institutions. Using content analysis, several categories emerged: (a) available perpetrator services, (b) duration of perpetrator services, (c) challenges on implementing perpetrator services, (d) benefits perpetrators gain when provided these services, and (e) implementing changes in available perpetrator services. Findings from this study indicate that there are no specific services and programs with clear curricula, guidelines, protocols, and standards targeted at perpetrators of domestic violence and gender-based violence provided by Kosovo institutions. Available services that focus on psychological counseling and drug abuse treatment are general in nature, and are not tailored to the needs of perpetrators of domestic violence and gender-based violence.

Keywords:

domestic violence

gender-based violence

focus group

perpetrators rehabilitation services;

Introduction

General Background

Domestic Violence (DV) and gender-based violence (GBV) represent major global public health issues and serious human rights violations. DV refers to the violence happening in a domestic setting, which is not limited to physical violence. It encompasses many forms of violence, including verbal abuse, psychological and emotional abuse, economic abuse, sexual and reproductive abuse, and coercive control (Article 3b, Istanbul Convention). Although both women and men can be subject to domestic abuse, women are much more likely than men to experience domestic abuse where 30% of women have reported experiencing violence worldwide (WHO, 2021). GBV refers to violence toward women, solely because of their gender or that affects women disproportionately (Article 3a, Istanbul Convention). Consequently, DV and GBV have adverse effects on women's lives, making them susceptible to health issues including mental health problems such as depression, alcohol abuse, sexual and reproductive health problems.

Previous research has established that DV is a complex and multi-dimensional problem. DV has been conceptualized as a multifaceted phenomenon built upon the interaction of personal, situational, and socio-cultural factors (Heise, 1998). As cited from Kelmendi (2014), young age, low level of education (Ackerson, Kawachi, Barbeau, & Subramanian, 2008; Chan, 2009; Johnson & Das, 2009), childhood experience of family violence and corporal punishment (O'Leary, Smith Slep, & O'Leary, 2007), and agreement with sexist, patriarchal, and/or sexually hostile attitudes (Boyle, Georgiades, Cullen, & Racine, 2008; Tang & Lai, 2008) represent the most consistent predictors of DV at the personal level. Furthermore, personality traits reflective of aggressive, narcissistic, and antisocial personality types represent risk factors for male partner abuse (Carlson, Warden, Ryn & Bachman, 2003). At the family level, early adversity, abuse in childhood, low socioeconomic status, and poor health have been associated with later DV (Loxton, Townsend, Forder & Coombe, 2018). Flood & Pease (2009) when reviewing the literature regarding the factors influencing attitudes towards violence against women, found that a key factor at the organizational level includes participation in violence supportive contexts. At the community level, they identified that participation in informal peer groups and networks to shape attitudes towards violence against women. Lastly, at societal level key factors influencing

attitudes toward violence against women include pornography and other media, education campaigns, with other possible influences including criminal justice policies and social movements.

Domestic violence and gender-based violence in Kosovo

Kosovo is characterized by a patriarchal family structure, traditional social norms, and conservative cultural attitudes, which have had a negative effect on women's rights to have an impact on political, economic, and social areas (USAID, 2016; Kosovo Gender and Power Dynamics Assessment). Additionally, these factors have been reflected on the issue of DV and GBV, which are a major concern and one of the biggest challenges faced by Kosovo's institutions. In 2008, Kosovo Women's Network (KWN) using quantitative methodology explored the Kosovar society's view of violent relationships, focusing on physical, psychological, sexual, and economic violence directed toward women, children, and elderly people. Results showed that 20% of respondents "agreed" or "somewhat agreed" with the statement "Sometimes it is OK for a husband to hit his wife", whereas 74.9% of them disagreed. More than one-third of respondents believed that "It is natural that physical violence happens sometimes when a couple argues". Moreover, 40% of the participants agreed that "Violence is a normal part of any relationship, and society in general, accepts that violence happens sometimes" (41% of men and 37% of women), whereas 20% of participants stated it was acceptable sometimes for the husband to hit his wife (Farnsworth & Qosja-Mustafa, 2008, p. 2). In regards to sexual violence, two-thirds of the respondents agreed that "Sexual intercourse can never be violence if it happens between two adults who are married." Half of the respondents agreed that slapping children when needed is acceptable. Reports on experiencing DV during their lifetime show that 46.4% of women and 39.6% of men have experienced some kind of DV in their lifetimes. Violent behavior was attributed to unemployment (62.4%) and alcohol (43%), where 38.9% of respondents believed violence was "normal" or acceptable in such circumstances (Farnsworth & Qosja-Mustafa, 2008). In respect to financial decision-making, more than half of respondents (52.9%) reported that this is the responsibility of male family members, whereas only 10.7% reported that female members were responsible for making financial decisions for the family. Data on reporting cases of DV from the Kosovo Police (KP) in the past 5 years, show us that in 2020 the number of DV cases reported from women, men, children under the age of 18, elderly over the age of 60, and recidivist cases was the highest recorded.

n total, there were 2,069 cases of DV reported. Out of these, in 79% of the cases, women were the victims, 22.5% were men, 5.8% were children under the age of 18, 8.7% were elderly over the age of 60, and 4.6% were recidivist cases. Altogether, these findings and data indicated that DV is a problem that has withstood the test of time in Kosovo's society and is largely acceptable. Women's voices and rights are secondary to those of men in the family. Decision-making processes exclude the women, leading to financial insecurity which makes them vulnerable to violence. Further, despite the fear and stigma of reporting DV cases, there is an increasing trend of reaching out for help to the KP by women, men, children, and the elderly in the past three years.

Legal framework

Since 2008, Kosovo institutions have continued to improve human rights by means of domestic legislations and policies that deal with gender inequalities and DV. In 2010, the Law of Protection against DV 3L/182 (LPDV) entered into force, aiming to prevent DV in all its forms through legal measures and ensuring treatment of DV perpetrators. It regulates protection measures for victims (Articles 5,6,7,8) and provides definitions of obligations for competent authorities. Furthermore, it establishes psychosocial treatment (Article 4) and alcohol and drug abuse treatment for perpetrators of DV (Article 9). In line with the Istanbul Convention, members of the family or domestic unit which are eligible for protection and support include current or former spouses or partners, regardless of whether they share or have shared a residence in the past (Article 2 (1,3)). In order to further regulate these measures, Administrative Instructions (AIs) no.12/2012 and no. 02/2013 have been written. According to the current framework in place, civil court judges may impose alcohol and substance abuse treatment for up to two years. Eligible institutions for offering treatment are the Main Family Medicine Centres (primary healthcare), regional hospitals, Mental Health Centres (secondary healthcare), and institutions such as the Kosovo Forensic Psychiatric Institute (KFPI). Psycho-social treatment lasts up to six months and is provided by professionals licensed from the Ministry of Finance, Labor and Transfers (MFLT) and the Ministry of Health (MH). Perpetrators with a history of psychotic diagnosis who must be treated in health institutions are not eligible for this treatment. Despite presenting a milestone in developing legislation in regards to DV, the LPDV and its sub-legal acts have received criticism in the past (OSCE Mission in Kosovo, 2012).

It has been evaluated that the LPDV has failed to consider that women are affected disproportionately by DV, hence having a gender-neutral approach. Additionally, the LPDV and sub-legal acts have been criticized for their focus on substance addiction and psychological disorders as root causes of DV, rather than addressing gender dynamics and challenging male perpetrators' perception of entitlement to control and dominate their partners (Kosovo Women's Network, 2015). Two strategies establishing concise actions for institutions working in the field of DV have been developed: the Kosovo Program and Action Plan against Domestic Violence V 2011-2014, adopted in 2011, and the National Strategy on Protection from Domestic Violence and Action Plan 2016-2020 (NSPDVAP), approved on 30 December 2016. The NSPDVAP was drafted based on the findings and recommendations of the previous program's evaluation (Ministry of Justice, 2015). Among others, the evaluation revealed limited implementation at the central and local level of The Istanbul Convention sub-legal acts regulating the set-up of perpetrator programs targeted at DV perpetrators (Article 16, paragraph 1) and at sex offenders (Article 16, paragraph 2). The Istanbul Convention establishes that such programs should not be considered an option, but rather an addition to effective, proportionate, and dissuasive legal sanctions (Article 45, Istanbul Convention). Specifically, it was found that only a few perpetrators received treatment due to a "complete lack of infrastructure". Furthermore, lack of rehabilitation programs made judges unlikely to prescribe this protective measure.

Perpetrator services in Kosovo

In 2017, the Council of Europe (CoE) office in Pristina conducted a study aiming to promote CoE standards to improve violence prevention, protection of victims, perpetrators' persecution, and mapping existing services for women victims of all forms of violence covered by the Istanbul Convention. It addressed the availability and accessibility of support services responding to violence against women, and the availability of perpetrator programs in Kosovo in line with the Istanbul Convention. Data was gathered conducting surveys and interviews with Government- and Non-Governmental- run organizations. Their results showed that only 15 service providers (28%) reported that the only work they undertake with perpetrators is part of their general services. Out of these service providers, 11 were Centers for Social Work (CSWs), two were Mental Health Centers, and one was the Kosovo Forensic Psychiatric Institute (KFPI). Relationship counseling and family therapy/counseling were the most common services provided (14 and 13 services).

Mediation is also offered by 12 services, including the women's shelters. The least common form of support is anger management, group work, and assistance in finding employment. Additionally, the most common form of providing these services was on an individual basis (14 services), whereas group support was only provided by four institutions. However, there was no evidence provided of perpetrator programs with clear curricula, guidelines, protocols, and standards.

Perpetrator programs are important elements of an integrated and comprehensive approach to preventing and combating violence against women, which in turn, should be part of a comprehensive national policy or strategy. Since the 1980s, work with perpetrators that is focused on women's safety and DV prevention has increasingly become recognized as a key element of DV and GBV support services (Hester & Lilley, 2014). Considering the severity of DV and GBV, the importance of institution perpetrator services, and the paucity of evidence exploring perpetrator services in the context of Kosovo the objectives of this study are:

- – *mapping institution services working with perpetrators;*
- – *obtaining data that will help to address the challenges institutions face in providing perpetrator services.*

Methodology

Study design and sampling

A qualitative methodology was used to explore currently available perpetrator services offered by Kosovo's institutions. Using purposive sampling 11 officials from ten related governmental institutions and non-governmental organizations were selected for participation. They were contacted via email and telephone. The criterion for participation was that participants were executive officials from: a) governmental institutions offering services for perpetrators of DV and GBV and/or b) non-governmental organizations involved in the fight against DV and GBV. These included: Kosovo Police (KP), Basic Court of Pristina (BCoP), Basic Prosecutor office of Pristina (BP), Ministry of Finance, Labor and Transfers (MFLT), Kosovo Prisons' Health Department (KPHD), Kosovo Correctional Service (KCS), Kosovo Probation Service (KPS), Kosovar Gender Studies Center (KGSC), UN WOMEN Kosovo, and Kosovo Women's Network (KWN). The final sample consisted of seven participants (N=7), four women and three men from the following institutions: KP, BCoP, KPHD, CS, PS, KGSC, and KWN.

Data collection

Due to pandemic restrictions, two focus groups were held virtually via the Zoom platform. The first focus group was held on the 18th of March which consisted of three participants and lasted one hour. The second focus group was held on the 24th of March which consisted of four participants and lasted two hours. Seven questions were asked by the facilitator to elicit information on perpetrator services offered from government institutions, their duration, the challenges they face in implementing these services, gains that perpetrators benefit from these services, potential improvements needed, and activities that could improve these services in the future.

Analysis and Results

The content analysis yielded the following domains: (a) available perpetrator services, (b) duration of perpetrator services, (c) challenges of implementing perpetrator services, (d) benefits perpetrators gain when provided these services, and (e) implementing changes in available perpetrator services. Table 1. illustrates the domains and the categories. Data are presented according to the domain, and then by categories. Data were summarized by adding up the number of times a topic was mentioned, regardless of which participant mentioned it, or whether it was mentioned more than once by a participant. All categories are illustrated with participant quotations.

Table 1. Domains and Categories from the Content-Analysis of the Focus Group with Seven Participants

Domains and their respective categories	Frequency
Available perpetrator services	
● Mental health services provided in prison	9
● Medical services from KP when injured	1
● Legal services	8
● Correctional and educational activities	13
Duration of available perpetrator services	
● Determined duration	5
● Undetermined duration	2

Domains and their respective categories	Frequency
Challenges of implementing available perpetrator services	
● Lack of educational activities for prisoners	1
● Difficulties gathering case materials	10
● Work context and safety issues	6
● Socio-economic and family factors	9
● Guarding confidentiality of juveniles	2
● Lack of staff	5
● LPDV is flawed	3
● Pandemic restrictions	2
● Lack of long-term funding	3
● Lack of institutional coordination and cooperation	8
● Lack of knowledge on DV	3
● Officials with inadequate educational background	1
● Perpetrators having mental health issues	6
● Recidivism	3
Benefits perpetrators gain when provided these services	
● Education qualifications	3
● Reintegration into society	5
● Treatment for drug abuse	4

Domains and their respective categories	Frequency
Implementing changes in available perpetrator services.	
● Changes in laws needed	2
● Providing university online learning in correctional centers	1
● Changes needed in their institutions	2
● Capacity building	1
● Increasing awareness and trust of citizens in institutions	4
● Effective law implementation	3
● Increasing cooperation	2
● Financial planning	1
● Creating rehabilitation perpetrator programs	3
● Involving family in treatment	2

Available perpetrator services and their duration

Generally, participants reported a wide range of services in terms of scope and time duration including mental and physical health services offered in custodial settings, legal services, correctional and educational activities. However, these services were general in nature and not targeted specifically at the group of perpetrators of DV and GBV. There was no evidence provided of perpetrator programs with clear curricula, guidelines, protocols, and standards.

“The mental health service is offered for every convict accepted in jail, and it is compulsory. It is a legal obligation for us, which is regulated by the law for the protection and through internal procedures and standards... The frequency of psychological sessions is decided based on the first assessment from a psychologist or psychiatrist. If intensive treatment is needed, then this is done two or three times a week. E.g. cases in which there is a risk for committing suicide or hurting the psychologist, sessions are held four times a week ... There is another rule that every six months every convict should get a psychological evaluation...” (Kosovo Prisons’ Health Department)

“We prepare reports for the prosecution office. Usually we are asked for characteristics of juveniles, the circumstances of the family where he was raised.”
(Kosovo Detaining Service)

It is important to note that perpetrator services need to go beyond treating them for psychological and addiction problems and provide them with services aimed at perpetrators exploring the consequences of their maladaptive behavior on their victim, increasing accountability, and challenging gender stereotypes.

Challenges of implementing perpetrator services

Participants listed a variety of challenges they face when implementing services their institution provides. The most common ones were: difficulties gathering case materials from cooperating institutions, socio-economic and family factors, lack of institutional coordination and cooperation, work context and safety issues, and perpetrators having mental health issues.

“Usually to facilitate this process and have better access, it is better to work as a chain including the family and other institutions. But unfortunately, in Kosovo, there is a lack of access to judges, prosecutors, and other institutions. This remains a worry because in order to implement these measures cooperation with every involved institution is needed... Most of the time we have observed when visiting the family of a juvenile, that they come from a poor family... there are people with superior education and do not have an income, influencing how the child is raised and their education...Probably one of the biggest challenges is approaching the family in the right way. Because when you are scared, normally you try to finish the interviews as soon as possible...” (Kosovo Detaining Service)

“There are a lot of cases when you have to repeat the request for social anamnesis. Six months pass and the anamnesis is not delivered. You need to resend the request... in regards to the office for the protection of victims, I have said it before and I will say it again: they are unprepared. Cases come uncompleted and protection of victims is done in an unprofessional way...” (Basic Court of Pristina)

Benefits perpetrators gain when provided these services

Participants reported three categories of benefits perpetrators gain from having access to these services: education qualifications; reintegration into society; and treatment for drug abuse. Treatment for drug abuse is provided in cooperation with the “Labyrinth” organization.

“Firstly, all young people who are interested in getting their elementary and secondary education through the existing education departments of the Education Directorate, there are correcting centers that provide schooling. The benefit of young people who are interested in getting an education, and further attending classes is that these classes in prisons are held similarly and are equivalent to the ones held in primary and secondary schools... We have students that attend classes and at the end of the year obtain a certificate... That certificate is not provided from the Correctional Service of Kosovo but from the Municipality Directorate of Education. Nowhere in the documents of people deprived of freedom it is stated that they attended classes in correctional institutions.”

(Kosovo Correctional Service)

Implementing changes in available perpetrator services

All participants report the need for changes in their institutions and the services they provide. They state that these changes need to be regulated by corresponding laws. Additionally, they point out the need for stronger coordination and cooperation between governmental- and non-governmental organizations.

"Maybe eventually a higher level of awareness, because I know there are different awareness campaigns for DV prevention... to continue on working even more on awareness-raising because this society also has other social problems such as unemployment.."

(Basic Court of Pristina)

"It is true there is space for changes, but all of them are limited in a way and with a financial cost and often we cannot fulfill some obligations in regards to the process of treating convicts and minors. And in this aspect, we need a lot of professional workshops through which we would achieve training for people deprived of their liberty in order for them to have an occupation after finishing their sentence, and thanks to these workshops find themselves in the market economy. In this aspect the Ministry of Justice and the Correctional Service of Kosovo alongside security, should commit to the issue of treating convicts and minors... With the current financial budget, we are far away from fulfilling our duties and objectives. I will take one example: since 2017, we continuously furnish our libraries from non-governmental organizations and our institutions, and we have never achieved to put aside financial means in furnishing our libraries with different textbooks."

(Kosovo Correctional Service)

Discussion and Recommendations

In the past 20 years, no efforts have been made in Kosovo to establish work with perpetrators of DV and GBV, and difficulties in securing sustainable funding and the absence of legal requirements have resulted in fragmented delivery. For convicted perpetrators of DV and GBV within custodial settings in Kosovo, individual programmes can be drawn up to address their respective needs. The available modules include, for example, learning techniques for non-violent behaviour in the family, anger management, and control to reduce aggressive behaviour. Additionally, individual counseling sessions targeted at perpetrators of DV and GBV have been offered since 2018 by SIT NGO. Modules for behavioural change programmes for convicted perpetrators of DV and GBV will be developed for roll-out across several institutions and prisons in Kosovo in the future in cooperation with SIT. The standard set by the Istanbul Convention in Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims, and the prevention of secondary victimisation.

SIT encourages all Kosovo authorities to ensure:

- a. the adequate resourcing of existing DV and GBV perpetrator programmes in order to ensure the continuation of their work in a sustainable manner, in particular, those in noncustodial settings;
- b. an increase in the number of voluntary DV and GBV perpetrator programmes;
- c. that all programmes implement uniform standards which place at their centre the safety of, support for, and the human rights of victims by cooperating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention;

- d. that such programmes are widely attended, including by incorporating them into the criminal justice system, including the probation service, or by introducing incentive schemes, as a tool to reduce recidivism;
- e. that the needed legislation changes are made in order to make it possible for prosecutors and judges to refer DV and GBV perpetrators to certified perpetrator counselling centres to contribute to tertiary prevention.



Notes

Administrative Instruction no. 02/2013 on treatment methods for perpetrators of domestic violence against which there is imposed the measure for mandatory medical treatment for alcoholism and addiction to psychotropic substances

Administrative Instruction no.12/2012 in determining the place and ways of psychosocial treatment for perpetrators of domestic violence.

Article 3a, Istanbul Convention

Article 3b, Istanbul Convention

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Overview of Costs to Provide Services for Working with Perpetrators in Kosovo

Purposes:	Cases per year	Cost Categories	Total €
Domestic violence: physical, psychological and sexual violence by a man/woman against his/her partner. 40-60 men/women perpetrators provided with counseling services, which contributes to the end on violence used by them	<ol style="list-style-type: none"> 2 - 5 cases per month (80-150 counseling sessions) 24 - 60 cases per year (384 - 1440 counseling sessions) 	Counseling sessions (6 counselors offer counseling services to perpetrators during one year in three regions, Prishtina, South Mitrovica, and Gjilan)	72,000.00
Supervision/coaching sessions		To build the basis for the establishment of certified professionals in the field. Professional and psychological coaching and supervision of the perpetrator counselors from an expert	6,000.00
Violence against women/men focus on partner violence (rehabilitation and reintegration of perpetrators)		Support three (3) centers for working with perpetrators - One center is already established, and establish two more centers	36,000.00
Center's counselors offer counseling services to perpetrators		Counseling centers - NGOs' services, legal advice, etc.	15,000.00
A pool of 2 freelance counselors reinforces the capacities of the center		Helplines for men and boys, phone calls received by the accredited center	12,000.00
Online advice for people who require support		Develop a counseling platform	8,000.00

Overview of Costs to Provide Services for Working with Perpetrators in Kosovo

Purposes:	Cases per year	Cost Categories	Total €
Raising awareness on the role of men in fighting against DV/GBV and on the effective treatment programs for perpetrators in Kosovo at the public and community level		Awareness-raising campaigns on working with boys and men to promote gender equality and produce informatory brochures and leaflets. Encourage and promote the implementation of best practices in working with perpetrators of violence in Kosovo, as an effective measure in the fight against violence.	15,000.00

Total cost per year:

164,000.00€