

## Research Article

## COMBATting SEXUAL VIOLENCE IN KOSOVO: GLOBAL PERSPECTIVES AND LOCAL SOLUTIONS

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### ABSTRACT

**Background:** Addressing sexual violence is a pressing social issue that requires comprehensive action and attention. In Kosovo, sexual assault remains a significant concern, necessitating a multidimensional approach to combat this pervasive problem. This paper delves into various facets of sexual assault in Kosovo, exploring its historical context, cultural factors, legal framework, and societal attitudes.

**Methods:** The paper synthesises information from diverse sources, including empirical data from a survey conducted in Gjilan city in 2022, which engaged 675 participants. Statistical analysis techniques were employed to analyse the survey findings and draw meaningful conclusions regarding public perceptions, attitudes, and responses to sexual violence.

**Results and Conclusions:** The findings underscore the urgency of addressing sexual violence in Kosovo through legal reforms, public awareness campaigns, support services for survivors, educational initiatives, and collaborative efforts among stakeholders. Recommendations are provided to strengthen the legal framework, enhance support services, promote awareness, and foster cooperation among governmental, non-governmental, and community organisations. Implementing these recommendations can contribute to creating a society free from sexual violence and prioritising the safety, well-being, and empowerment of survivors. By addressing sexual violence comprehensively, Kosovo can promote social cohesion, gender equality, justice, and economic development while also enhancing its international reputation and cooperation amidst European integration processes and post-war recovery efforts.

## 1 INTRODUCTION

Violence is one of the numerous problems afflicting modern societies. Contemporary criminal law in recent decades has undergone significant changes regarding the perception of what is considered normal and prohibited in the realm of sexual life. Early criminal legislation criminalised and sanctioned various behaviours in this sphere, regardless of whether they were consensual or not. Over time, attitudes and sanctions related to specific behaviours in this realm of intimate life have evolved.<sup>1</sup> The use of violence has never proven to be a solution to human interpersonal issues. Violence is a means that directly violates human rights and freedoms. In the Republic of Kosovo, several taboo topics usually spark numerous debates. One such issue is sexual violence, especially in a more conservative country like Kosovo, where such cases are often not reported due to the prevailing notions of “morality” and “shame.”<sup>2</sup>

Sexual assault is a severe and widespread issue that affects individuals in various societies and can have long-term physical, psychological, and emotional consequences. It refers to any non-consensual sexual act or behaviour forced upon an individual without their clear consent. Sexual assault includes various acts such as rape, harassment, molestation, and coercion, occurring in different settings such as intimate relationships, workplaces, educational institutions, and public spaces.<sup>3</sup>

This paper aims to explore the complex nature of sexual assault, its impact on victims, and society's response to this urgent issue. By examining the causes, consequences, and preventive measures, we can better understand the challenges survivors face and work towards creating a safer and more supportive environment for all individuals.

## 2 PREVIOUS ACHIEVEMENTS – INTERNATIONAL LEGAL FRAMEWORK OF SEXUAL VIOLENCE

Two decades of research have consistently shown that approximately 15% to 30% of women experience attempted or completed sexual assault in adulthood. Sexual assault is most common among younger women and adolescent girls, with over half of all first rapes of

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1 Ejup Salihu, Rexhep Zhitija dhe Xhevdet Hasani, *Komentari I Kodit Penal të Republikës së Kosovë* (GIZ 2014) 605.

2 ‘Dhuna në familje, temë (jo) tabu në shoqërinë Kosovare’ (*Telegrafi*, 18 December 2020) <<https://telegrafi.com/dhuna-ne-familje-teme-jo-tabu-ne-shoqerine-kosovare/>> accessed 15 February 2024.

3 Sigrun Sigurdardottir and Sigridur Halldorsdottir, ‘Persistent Suffering: The Serious Consequences of Sexual Violence against Women and Girls, Their Search for Inner Healing and the Significance of the #MeToo Movement’ (2021) 18(4) *International Journal of Environmental Research and Public Health* 1849, doi:10.3390/ijerph18041849.

women occurring before age 18.<sup>4</sup> Women assaulted either in childhood or adolescence also have a significantly greater risk of sexual re-victimisation in adulthood.

In recent years, there has been increased public awareness of and societal responses to issues of violence against women and children. However, since the 1980s, we have experienced a political and social backlash of sorts in response to the gains won by the second wave of the women's movement in the 1960s and 1970s regarding various social issues, including sexual assault. It is important to be aware of this because what is considered rape is still hotly contested in US society.

In addition, rape stereotypes are quite prevalent and affect survivors' decisions of whether to disclose rape, as well as how people react to survivors' disclosures. Therefore, one cannot truly understand the topic of sexual assault without first grasping the broader societal context of rape.

In this chapter, we review the social phenomena that maintain a rape-supportive environment, including simultaneous acknowledgement and denial of rape in society, the "real rape" stereotype, and rape myths; the silencing effect of these phenomena; the variables that influence individual attitudes and beliefs about rape; and the question of whether disclosure really empowers women.<sup>5</sup>

There are five Special Procedures related to gender rights under the United Nations Human Rights (OHCHR):

- (a) The Special Rapporteur on Trafficking in Persons, especially Women and Children, focuses on human trafficking for labour and involuntary sex work.
- (b) The Special Rapporteur on Violence against Women and Girls, its Causes and Consequences.
- (c) The Working Group on Discrimination against Women and Girls.
- (d) The Independent Expert on Sexual Orientation and Gender Identity.
- (e) The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography, and other child sexual abuse.

When the Human Rights Council replaced the UN Human Rights Commission of the Secretariate in 2006, the HRC continued three individual Special Procedures. The Working Group only came into existence in 2010, and the Special Rapporteur on Sexual Orientation and Gender Identity in 2016.<sup>6</sup>

The persistent inequality faced by women is evidenced in the realm of violence. A brief examination of early political ideologies and subsequent anthropological research reveals a

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4 Sarah E Ullman, *Talking about Sexual Assault: Society's Response to Survivors* (American Psychological Associations 2010) 13.

5 *ibid* 13-4.

6 Henry (Chip) Carey and Stacey M Mitchell, *Legalization of International Law and Politics: Multi-Level Governance of Human Rights and Aggression* (Palgrave Macmillan 2023) 171.

historical distribution of power in society, where men traditionally wielded authority while women were relegated to domestic roles. This structure is commonly referred to as “patriarchal.” While it is important to heed Rosaldo's caution against oversimplifying patriarchy, it is worthwhile to explore its varied manifestations across different societies and eras, as elaborated in the ensuing discussion.

Patriarchy takes on multifaceted forms, each with its distinguishing characteristics. A striking illustration of this is the violent treatment of women, which includes instances of sexual violence beyond the domestic sphere, workplace harassment, domestic abuse, and the portrayal of women in art or literature with a pornographic lens. Furthermore, patriarchy is evidenced in the historical exclusion of women from full participation in public life, whether through unequal opportunities in employment or underrepresentation in democratically elected legislative bodies.<sup>7</sup>

The majority of international organisations have condemned sexual violence and have also enacted measures against it. Among the initial acts prohibiting sexual violence are:

- a) Lieber Codes (1863) – General Order 100 signed by President Abraham Lincoln.<sup>8</sup>
- b) Hague Convention (1907) – Article 46.<sup>9</sup>
- c) Nuremberg and Tokyo Tribunals (1945/6).<sup>10</sup>
- d) Geneva Conventions (1949) and Additional Protocols (1977) – Articles 3, 27, 75, Article 4, Part II.<sup>11</sup>
- e) International Criminal Tribunals for the former Yugoslavia and Rwanda (1993 & 1995) - Statutes of ICTY and ICTR.<sup>12</sup>
- f) Statute of the International Criminal Court (1998) – Articles 7 and 8.<sup>13</sup>

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7 Hilaire Barnett, *Introduction to Feminist Jurisprudence* (Routledge-Cavendish 2016) 7.

8 Instructions for the Government of the Armies of the United States in the Field (Lieber Code) (24 April 1863) <<https://ihl-databases.icrc.org/en/ihl-treaties/liebercode-1863?activeTab=historical>> accessed 31 January 2024.

9 Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (Hague, 18 October 1907) <<https://www.refworld.org/legal/agreements/hague/1907/en/31788>> accessed 31 January 2024.

10 Nuremberg and Tokyo Tribunals (1945/6) - War Crimes on Trial: The Nuremberg and Tokyo Trials. See: ‘The International Military Tribunal for Germany: Contents of The Nuremberg Trials Collection’ <[https://avalon.law.yale.edu/subject\\_menus/imt.asp](https://avalon.law.yale.edu/subject_menus/imt.asp)> accessed 31 January 2024; ‘The International Military Tribunal for the Far East’ <<http://imtfe.law.virginia.edu/>> accessed 31 January 2024.

11 ‘Geneva Conventions of 1949, Additional Protocols and their Commentaries’ <<https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>> accessed 31 January 2024.

12 International Criminal Tribunals for the former Yugoslavia and Rwanda (1993 & 1994): Updated Statute of the International Criminal Tribunal for the former Yugoslavia (25 May 1993) <<https://www.icty.org/en/documents/statute-tribunal>> accessed 31 January 2024; Statute of the International Criminal Tribunal for Rwanda (8 November 1994) <<https://unictr.irmct.org/en/documents>> accessed 31 January 2024.

13 Rome Statute of the International Criminal Court (17 July 1998) <<https://ihl-databases.icrc.org/en/ihl-treaties/icc-statute-1998>> accessed 31 January 2024.

Below is a table presenting international legal acts that envisage the prohibition of sexual violence (Table A).<sup>14</sup>

**Table A. International conventions and declarations**

Short Name	Full Name	Organisation	Adopted
<b>DEDAW</b>	Declaration on the Elimination of Discrimination Against Women	United Nations	1997
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	United Nations	1979
<b>VDPA</b>	Vienna Declaration and Programme of Action	United Nations	1993
<b>DEVAW</b>	Declaration on the Elimination of Violence Against Women	United Nations	1993
<b>Belém do Pará Convention</b>	Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women	Organisation of American State	1994
<b>Maputo Protocol</b>	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	African Union	2003
<b>Istanbul Convention</b>	Convention on preventing and combating violence against women and domestic violence	Council of Europe	2011

Most of the acts mentioned above have been directly incorporated by the Republic of Kosovo into its Constitution and subsequently into its legal framework.<sup>15</sup> This is specifically addressed in Article 22, which discusses the direct implementation of international agreements and instruments.

14 ICRC, 'Academic Workshop on Sexual Violence: International legal framework affording protection against sexual violence in armed conflicts and other situations of violence' (*ICRC International Humanitarian Law Databases*, 2014) <<https://www.icrc.org/en/doc/assets/files/2014/sexual-violence-workshop-legal-provisions.pdf>> accessed 31 January 2024.

15 Constitution of Republik of the Kosovo (adopted 9 April 2008) arts 17-22 <<http://old.kuvendikosoves.org/?cid=2,1058>> accessed 31 January 2024.

The European Court of Human Rights also plays a crucial role, as demonstrated in the case of *M. C. v. Bulgaria* (4.12.2003, Application No. 39272/98).<sup>16</sup> In this case, the Court emphasised that the member states of the Convention<sup>17</sup> have an obligation under Articles 3 and 8 of the Convention for the Protection of Human Rights to criminalise and prosecute all forms of non-consensual sexual relations, including cases where the victim does not resist. In this instance, the Court found that Bulgaria had violated the provisions of Articles 3 and 8 of the Convention because the criminal prosecution in the case of the complainant's assault had been ineffective (the prosecutor had dropped the case) within the context of prosecutorial and judicial practices that generally pursued only those cases of assault where the victim actively resisted.<sup>18</sup>

### 3 PREVALENCE AND SPREAD OF SEXUAL VIOLENCE

Today, with the rapid development of technology and other factors, besides positive aspects, there are also negative influences affecting various aspects, including homicides, violence, and other illegal actions. Globally, alarming figures are observed in various countries. For example, one in every six American women has been a victim of an attempted or completed rape during her lifetime. Since 1998, around 17.7 million American women have been victims of attempted or completed rape, while 2.78 million men in the USA have been victims of attempted or completed rape.<sup>19</sup>

Despite being taboo topics in some societies, these issues are not unrecognised. It is crucial to understand what sexual violence is and consider it a significant crime that deserves special attention. Sexual assault occurs when someone touches another person sexually without their consent or involves them in a sexual activity without their agreement. This includes unwanted kissing and sexual touching.<sup>20</sup> Every sexual assault is a serious crime that can have lasting effects on the victim or survivor. No one deserves or seeks to experience it, and 100% of the blame lies with the perpetrator or perpetrators.<sup>21</sup>

Kosovo, despite numerous political and ongoing issues with neighbouring countries (such as the Republic of Serbia), has experienced a rising trend in crime in recent years, including

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16 *MC v Bulgaria* App no 39272/98 (ECtHR, 4 December 2003) <<https://hudoc.echr.coe.int/eng?i=001-61521>> accessed 31 January 2024.

17 Council of Europe, *European Convention on Human Rights (as amended)* (ECtHR 2013) <[https://www.echr.coe.int/documents/d/echr/convention\\_eng](https://www.echr.coe.int/documents/d/echr/convention_eng)> accessed 31 January 2024.

18 Salihu, Zhitija and Hasani (n 1) 510.

19 'Victims of Sexual Violence: Statistics' (RAINN, 2019) <<https://rainn.org/statistics/victims-sexual-violence>> accessed 31 January 2024.

20 'What is Sexual Assault?' (*Rape Crisis England & Wales*, nd) <<https://rapecrisis.org.uk/get-informed/types-of-sexual-violence/what-is-sexual-assault/>> Accessed 31 January 2024.

21 *ibid.*

more sensitive problems like domestic violence, sexual violence, and murder.<sup>22</sup> Despite being known as a relatively calm country with statistically low crime rates in the region, this issue has escalated due to various factors year by year.<sup>23</sup>

Crimes against "Sexual Integrity" were previously covered in the Penal Code of the former-Socialist Federal Republic of Yugoslavia (SFRY),<sup>24</sup> categorised as offences against the dignity and morality of an individual. In their book "Criminal Law," authors Nicola Serzentić and Aleksander Stajić referred to these acts as offences against sexual morality. They further emphasised that criminal law, in regulating sexual relations, has the duty to prevent, through punishment, only those activities that are inconsistent with human freedoms to decide during their pursuits to satisfy their sexual desires. Such acts primarily presented themselves as offences related to violence against a person, forcing them into physical contact with another person and, subsequently, actions directed against the freedom to decide in sexual matters.

The authors categorise these acts into two directions: offences directed against the freedom of a person's personality and criminal acts directed against their honour. The authors mentioned earlier highlight the significance of sexual offences for two main reasons. Firstly, intervention is necessary because while a minority of perpetrators may be deemed responsible individuals, the majority exhibit abnormal sexual tendencies, which may be either inherent or acquired. Secondly, there is the troubling aspect of exploiting individuals' vulnerabilities to fulfil sexual desires in such cases.<sup>25</sup>

Even the latest Constitution of the Socialist Autonomous Province of Kosovo<sup>26</sup> within the framework of the former SFRY, in its chapter on Freedoms and Rights, also foresaw personal integrity and human rights. Article 192 states, "The inviolability of the integrity of the individual's personality, personal life, and his other personal rights is guaranteed."<sup>27</sup>

On the other hand, Author Milan Millutinović characterises criminal acts with a sexual nature as offences with an influence of socio-pathological phenomena within the framework of criminality.<sup>28</sup> Similarly, author Ragip Halili explains why this category falls under socio-pathological factors, emphasising that it is related to a social disease that

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22 'A ka shpjegim rritja e kriminalitetit?' (*TV Malisheva*, 23 November 2023) <<https://www.malisheva.tv/a-ka-shpjegim-rritja-e-kriminalitetit/>> accessed 14 March 2024.

23 Luljeta Krasniqi-Veseli, 'Papunësia, faktor i rritjes së kriminalitetit në Kosovë' (*Radio Evropa e Lirë*, 02 nëntor 2016) <<https://www.evropaelire.org/a/28090352.html>> accessed 14 March 2024.

24 Criminal Code of the Socialist Federal Republic of Yugoslavia (1 July 1977) <<https://www.refworld.org/legal/legislation/natlegbod/1977/en/13685>> accessed 31 January 2024.

25 N Serzentić dhe A Stajić, *E Drejta Penale* (Enti i Teksteve Dhe Mjeteve Mësimore Të Krahinës Socialiste Autonome Të Kosovës, Universiteti i Prishtinës 1972) 369-70.

26 Kushtetuta e Krahinës Socialiste Autonome të Kosovës datë 27 shkurt 1974 [1974] *Gazetën zyrtare e KSAK* 4.

27 *ibid*, art 192.

28 M Millutinović, *Kriminologjia* (Enti i Teksteve Dhe Mjeteve Mësimore Të Krahinës Socialiste Autonome Të Kosovës, Universiteti i Prishtinës 1970) 352.

affects certain relationships on a broader scale. These phenomena involve undermining and attacking moral, human, and social values that contribute to the manifestation of crime in the country.<sup>29</sup>

Sexual violence is a global problem, not exclusive to Kosovo. Although Kosovo is a relatively young country with only 15 years of statehood, it has begun to face such issues. Sexual violence is a serious issue in Kosovo, as it is in many other countries worldwide. While accurate and comprehensive data is challenging to obtain due to underreporting and the stigma surrounding sexual violence, there is evidence that this phenomenon exists in Kosovar society.<sup>30</sup>

Sexual assault can occur in various contexts, including intimate relationships, workplaces, educational institutions, and many other public and private spaces. Victims of sexual assault are usually women and girls, but men and boys can also be victims. It is essential to emphasise that any act of sexual assault is unacceptable and unjust, and no one should suffer from this kind of abuse. From research conducted on the treatment of criminal acts, particularly sexual violence, it emerges that in the majority of cases, victims are presented as female. There are indeed several factors influencing the victimisation of the female gender, including educational, economic, and status-related factors.<sup>31</sup>

A particular problem in cases of sexual assault in Kosovo is underreporting,<sup>32</sup> which can result from various factors, including fear of retaliation, stigma, and deficiencies in the legal system. Victims often feel isolated and fear reporting their experiences due to the fear of public disclosure of their stories and the consequences it may create. In efforts to combat and prevent sexual violence in Kosovo, positive steps have been taken in raising awareness among society and institutions. There are organisations and specialised helplines providing support, counselling, and assistance to victims of sexual violence.<sup>33</sup>

The legal system has attempted to increase awareness of this issue and ensure proper procedures for reporting and prosecuting sexual violence perpetrators. However, there are still significant challenges in addressing the phenomenon of sexual violence in Kosovo. It is necessary to deepen public awareness to recognise the signs and consequences of sexual violence, as well as establish proper mechanisms for support, treatment, and justice for victims.<sup>34</sup>

29 Ragip Halili, *Kriminologjia me penologjinës* (Universiteti i Prishtinës 1995) 145.

30 'Viti 2022 në Kosovë, vit me raportime të shpeshta të ngacmimeve seksuale dhe dhunimeve' (*Dukagjini*, 3 January 2023) <<https://www.dukagjini.com/viti-2022-ne-kosove-vit-me-raportime-te-shpeshta-te-ngacmimeve-seksuale-dhe-dhunimeve/>> accessed 14 March 2024.

31 Ragip Halili, *Kriminologjia* (Universiteti i Prishtinës "Hasan Prishtina" 2016).

32 Annamorea Tiara Nixha, 'Dhuna "e heshtur" seksuale në Kosovë' (*Albanian Post*, 17 August 2021) <<https://albanianpost.com/dhuna-e-heshtur-seksuale-ne-kosove/>> accessed 14 March 2024.

33 Nadije Ahmeti, 'Dhuna seksuale në rritje, viktimat kryesisht të miturat' (*Radio Evropa e Lirë*, 19 January 2021) <<https://www.evropaelire.org/a/dhuna-seksuale-/31051521.html>> accessed 31 January 2024.

34 Salihu, Zhitija and Hasani (n 1) 609.



Family violence and the killing of women continue to be persistent problems in our society. Also, this year, cases of sexual violence against minors were particularly concerning. Authorities have failed to take all necessary measures to protect the lives of female victims of family violence, even though we continuously draw attention to their responsibility and obligation to take all necessary measures to protect lives, safeguarding against family violence and gender-based violence.<sup>35</sup>

In her book "Introduction to feminist jurisprudence", Hilaire Barnett delves into the pervasive issue of gender-based violence against women in contemporary society. The narrative underscores that acts such as sexual harassment, assault, sexual offences, or murder are universal concerns transcending geographical and political boundaries. Barnett acknowledges the inherent difficulty in accurately measuring the incidence of violence due to under-reporting. Still, she emphasises that research data unequivocally establishes the widespread nature of gender-based violence.

Furthermore, Barnett observes that gender-based violence introduces complexities for analysis, with explanations spanning psychological, economic, socio-structural, and political factors. The deeply rooted nature of such violence within society, coupled with a lack of consensus among researchers regarding its causes, poses challenges for legal frameworks. She notes the potential ineffectiveness of attempting to regulate deeply ingrained social attitudes through the law, particularly within private spheres.

Barnett asserts that feminist analysis and advocacy have played a significant role in elevating awareness about gender-based violence against women. However, despite these concerted efforts, the issue persists as a universal and widespread challenge across all societies.<sup>36</sup>

The case of *X and Y v. The Netherlands* (1985)<sup>37</sup> illuminates the intersection of international human rights law and state responsibility in addressing the rights of vulnerable individuals. In this instance, a legal loophole in Dutch criminal procedure left a mentally disabled rape victim without the means to initiate criminal proceedings. The European Court of Human Rights ruled in favour of the applicant, emphasising that the state, under the European Convention, holds positive obligations to safeguard individuals against rights violations. The decision challenges the conventional understanding that international law only attributes responsibility to states for violations by public officials. Instead, it recognises a state's duty to enact and enforce legislation protecting citizens, particularly women, from abuse within private spheres. The court's stance underscores the importance of holding states accountable for failures to protect vulnerable groups, reinforcing a Kantian perspective on international law that demands respect and dignity for all citizens. This

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35 International Ombudsperson Institution, *Annual Report 2022*, no 22 (IOI 2022).

36 Hilaire Barnett, *Introduction to Feminist Jurisprudence* (Routledge-Cavendish 1998) 35-6, doi:10.4324/9781843142720.

37 *X and Y v The Netherlands* App no 8978/80 (ECtHR, 26 March 1985) <<https://hudoc.echr.coe.int/eng?i=001-57603>> accessed 31 January 2024.

landmark decision highlights the broader scope of international human rights law beyond direct state actions, emphasising the imperative to address systemic shortcomings that place individuals, especially women, at an unjust risk within their homes.<sup>38</sup>

Regarding EU member states, Article 22<sup>39</sup> mandates that individual assessments be conducted to identify unique protection needs for victims during criminal proceedings. These assessments consider personal characteristics, the nature of the crime, and related circumstances from the victim's perspective. Special attention is given to victims who have suffered considerable harm, experienced bias or discrimination, or have a vulnerable relationship with the offender. Notably, victims of terrorism, organised crime, human trafficking, gender-based violence, sexual violence, exploitation, and hate crime, as well as those with disabilities, are highlighted explicitly for due consideration.

This flexible approach allows for comprehensive protection while avoiding abstract discrimination based on individual conditions.<sup>40</sup> Violence against women is endemic in all states; indeed, international lawyers could observe that this is one of those rare areas where there is genuinely consistent and uniform state practice.<sup>41</sup>

On 8 March 2022, the European Commission proposed a new directive on combatting violence against women and domestic violence. The proposal aims to ensure a minimum level of protection against such violence across the EU.<sup>42</sup> The new rules will criminalise a range of offences, including female genital mutilation and cyber violence. Cyber violence refers to non-consensual sharing of intimate images, cyberstalking, cyber harassment and cyber incitement to violence or hatred. The directive will also ensure that victims have:

1. access to justice,
2. the right to claim compensation,
3. access to free-of-charge helplines and rape crisis centres.<sup>43</sup>

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38 Fernando R Teson, *A Philosophy of International Law* (Routledge 2019) 165.

39 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA [2012] OJ L 315/57 <<http://data.europa.eu/eli/dir/2012/29/oj>> accessed 31 January 2024.

40 Tommaso Rafaraci, 'New Developments in European Legislation and Case Law after the Lisbon Treaty' in S Ruggeri (ed), *Human Rights in European Criminal Law: New Developments in European Legislation and Case Law after the Lisbon Treaty* (Springer Cham 2015) 222-3.

41 Henry J Steiner, Philip Alston and Ryan Goodman (eds), *International Human Rights in Context: Law, Politics, Morals* (3rd edn, OUP 2007) 171.

42 'EU Measures to end Violence against Women' (*European Council and Council of the European Union*, 8 May 2024) <<https://www.consilium.europa.eu/en/policies/eu-measures-end-violence-against-women/>> accessed 10 May 2024.

43 *ibid.*

The proposal from the European Commission to combat violence against women and domestic violence is driven by several critical reasons and objectives:

1. *Magnitude of the Problem*: The proposal recognises that violence against women and domestic violence are prevalent issues affecting a significant proportion of the population in the EU. Statistics indicate alarming rates, with 1 in 3 women estimated to have experienced some form of violence and 1 in 5 women suffering from domestic violence.
2. *Human Rights and Gender Equality*: The proposal underscores that violence against women is a violation of human rights and a manifestation of gender inequality and discrimination. It directly impacts fundamental rights such as human dignity, life, freedom from discrimination, and access to justice, as enshrined in the EU Charter of Fundamental Rights.
3. *Need for Comprehensive Legislation*: The proposal highlights the absence of specific EU legislation comprehensively addressing violence against women and domestic violence. While existing legal instruments provide some level of protection, they do not adequately address the unique needs and challenges faced by victims of such violence.<sup>44</sup>

Furthermore, within this directive proposal, we encounter various objectives, including:

Firstly, the proposal addresses criminality and sanctions, aiming to criminalise specific acts of violence that disproportionately affect women and are inadequately addressed at the national level. This includes rape based on lack of consent, female genital mutilation, and certain forms of cyber violence. Secondly, it focuses on protection and support for victims, emphasising strengthening victims' access to justice and ensuring gender-sensitive treatment by authorities. Central aspects include tailored protection and support, emergency barring and protection orders, and compensation mechanisms for victims. Thirdly, the proposal talks about prevention and awareness, advocating for measures for prevention, including raising awareness and training professionals likely to encounter victims, are proposed. Fourthly, it highlights the importance of enhancing coordination and cooperation at national and EU levels to facilitate a multi-agency approach and improve data collection on violence against women and domestic violence. Fifthly, it underscores alignment with international standards, particularly referencing the 2014 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Additionally, it complements existing EU legislation on victims' rights, European protection orders, tackling child sexual abuse, anti-trafficking measures, and gender equality directives to address gaps and strengthen protections for victims of gender-based violence. Finally, it acknowledges

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44 Proposal for a Directive of the European Parliament and of the Council 'On Combating Violence against Women and Domestic Violence' COM(2022) 105 final <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105>> accessed 10 April 2024.

evolving modern challenges, such as cyber violence against women, which are not adequately addressed by existing legal frameworks and aims to fill these gaps, ensuring coherence in addressing online violence against women.<sup>45</sup>

The proposal seeks to provide a robust legal framework to combat violence against women and domestic violence in the EU, aligning with fundamental rights principles, international standards, and the need for comprehensive and coordinated action across Member States. By criminalising specific offences, enhancing victim protection, promoting prevention, and improving cooperation, the proposal aims to tackle these pervasive and deeply rooted societal challenges.

#### 4 LEGAL REGULATION REGARDING SEXUAL VIOLENCE IN KOSOVO

There are several types of sexual violence happening today, such as rape, penetration assault (where someone penetrates another person's vagina or anus with an object or body part that is not a penis without their consent), and forms of child sexual abuse involving contact.<sup>46</sup>

Personal integrity is a concept related to an individual's ethical values and actions, focusing on their interaction with others and building an honest and sincere character. It includes the internal influences of personal values, morality, and norms that a person holds and applies in their daily behaviour.<sup>47</sup> The Constitution of the Republic of Kosovo, in its second chapter, also addresses personal integrity in Article 26, emphasising that:

“Every person enjoys the right to the respect of their physical and mental integrity, including:

1. The right to make decisions regarding reproduction, according to the rules and procedures specified by law;
2. The right to have control over their body in accordance with the law;
3. The right not to be subjected to medical treatment against their will in accordance with the law;
4. The right not to participate in medical or scientific experiments without their prior consent.”<sup>48</sup>

What is crucial to note regarding the right to personal integrity and the inviolability of human integrity is that this right must be defined with precise constitutional provisions. The Constitution of the Republic of Kosovo guarantees the respect of personality and human

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45 *ibid.*

46 Ministrinë e Shëndetësisë dhe Mbrojtjes Sociale, *Protokoll i menaxhimit të rasteve të dhunës seksuale tek të rriturat/rriturit, në nivel vendor: përmes qasjes shumësektoriale të koordinuar* (UNDP 2021) <<https://www.undp.org/albania/publications/protokoll-i-menaxhimit-te-rasteve-te-dhunes-seksuale-ne-nivel-vendor-permes-qasjes-shume-sektoriale-te-koordinuar>> accessed 15 March 2024.

47 *Ibid.*

48 Constitution of Republik of the Kosovo (n 15) art 26.

dignity in criminal procedures and any other procedure involving the deprivation or limitation of freedom, as well as during the execution of the penalty.<sup>49</sup> Also, Article 27 of the Constitution speaks about the Prohibition of Torture, Inhuman or Degrading Treatment, stating, "No one shall be subjected to torture, inhuman or degrading treatment or punishment."<sup>50</sup> The Constitution takes the provision of the European Convention and accepts the provision of the Universal Declaration of Human Rights from 1948,<sup>51</sup> proclaiming that no individual should be subjected to torture or inhuman or degrading treatment, and emphasises the importance of disclaimers.

The criminal act of rape (Article 227) is part of the chapter on Criminal Offenses against Sexual Integrity, the twentieth chapter of the Penal Code of the Republic of Kosovo.<sup>52</sup> It states:

"Anyone who forces another person to engage in a sexual act without the consent of that person shall be punished by imprisonment for a term of two (2) to ten (10) years."

The naming of this criminal act inherently suggests an obligation towards another person to engage in a sexual act. Rape is one of the most serious offences against sexual integrity.<sup>53</sup> The fundamental form of this criminal offence consists of obliging another person to engage in a sexual act without their consent. According to Article 228 of the Penal Code, the legislator categorises a primary criminal offence as a compound offence, which is characterised by both an obligation and a sexual act being deemed unlawful.<sup>54</sup> The second paragraph of Article 227 in the criminal code states:

"Anyone who forces another person to engage in a sexual act by exposing them to the disclosure of a fact that would seriously damage the honor or reputation of that person or a person closely connected to them shall be punished by imprisonment for a term of three (3) to ten (10) years."<sup>55</sup>

## 5 SEXUAL VIOLENCE IN KOSOVO OVER THE YEARS

Sexual violence is a serious issue in Kosovo, with numerous reported and unreported cases throughout the years. However, obtaining accurate and comprehensive data is challenging due to underreporting and the stigmatisation of sexual violence.<sup>56</sup>

49 Enver Hasani dhe Ivan Čukalović (eds), *Komentar: Kushtetuta e Republikës së Kosovës*, bot 1 (Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) GmbH 2013) 120.

50 Constitution of Republik of the Kosovo (n 15) art 27.

51 Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 31 January 2024.

52 Code no 06/L-074 of 23 November 2018 'Criminal Code of the Republic of Kosovo' <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413>> accessed 31 January 2024.

53 Salihu, Zhitija and Hasani (n 1) 609.

54 *ibid* 510.

55 Code no 06/L-074 (n 52) art 227, para 2.

56 Ahmeti (n 33).

In the table below, we can observe some data from criminal acts in Kosovo, including sexual violence by adult individuals from 2016 to 2019. The table shows an increase in the number of individuals accused of criminal offences each year, along with a continuous rise in reported sexual assault cases. Additionally, in the table below, we find data concerning minors involved in committing criminal offences, including sexual violence (Table B).<sup>57</sup>

**Table B. Statistics of criminal offences in Kosovo (including sexual assaults) 2016-2019 by adults**

Years	Total criminal offences	Convicted persons	Criminal acts of rape	Complicity and violence	Violence and Slight Bodily Injury
2019	29,405	17,315	18	6	1
2018	28,696	19,721	4	/	/
2017	26,706	18,753	2	7	1
2016	27,631	17,859	5	1	1

Additionally, the subsequent table contains data related to minors involved in the commission of criminal offences, including sexual violence (Table C).<sup>58</sup>

**Table C. Statistics of criminal offences in Kosovo (including sexual assaults) 2016-2019 by minors**

Years	Total criminal offences	Convicted persons	Criminal acts of rape	Complicity and violence	Violence and Slight Bodily Injury
2019	1,013	686	1	0	0
2018	1,179	713	0	0	0
2017	1,152	766	1	3	
2016	995	692	7	0	0

57 Agjencia e Statistikave të Kosovës, *Statistikat e Jurisprudencës Për Persona Madhor 2019* (Seria 5: Statistikat Sociale, ASK 2020) <<https://askapi.rks-gov.net/Custom/02d4d612-1d43-4755-90c9-0e1d6f44c977.pdf>> accessed 31 January 2024.

58 Agjencia e Statistikave të Kosovës, *Statistikat e Jurisprudencës për Persona të Mitur 2019* (Seria 5: Statistikat Sociale, ASK 2020) <<https://askapi.rks-gov.net/Custom/1bc66ae7-593d-4d30-973e-c1f1b49051cb.pdf>> accessed 31 January 2024.

From the table above, we can see some statistics from two categories of perpetrators of criminal offences, including those related to assault: adult individuals and minors. Notably, all perpetrators of the criminal offence of assault are Albanian males, with the exception of one perpetrator in 2019 from the non-majority Serbian community.<sup>59</sup>

When we consider the population size in proportion to the number of perpetrators of criminal offences, we observe that the number is not excessively high, especially for sexual assault offences. It must be noted that the above statistics only represent cases that have reached the courts. Yet, the number of cases reported to the police for sexual assault, sexual harassment, and domestic violence is higher.

For instance, in the first six months of 2022, around 41 cases were reported to the police, marking an increase from 102 cases reported in 2021. Moreover, in the first six months of 2021, there was a record of approximately 59 cases reported.<sup>60</sup>

If we turn to retrospective analysis within the framework of the former SFRY, author Vesel Latifi, in his book on "Youth Crime in Kosovo",<sup>61</sup> made a distinct classification in the divisions of criminal acts, labelling them as other criminal acts. These acts include Damage to Foreign Property (Article 257), Sexual Assault (Articles 74-81), Endangerment of Safety (Article 153), Infanticide (Article 138), Hostile Propaganda (Article 118), Fraud (Article 258), Endangerment of Public Communication (Article 271), and Indecent Sexual Acts (Article 186) (Articles in the Penal Code of the Autonomous Province of Kosovo from 1977).<sup>62</sup>

Latifi's research observes a trend between 1964 and 1975 in Kosovo, where these criminal acts accounted for approximately 11% of the total criminal acts, consistently involving juvenile perpetrators. However, this percentage dropped from 11% in the 1960s to 4.2% in 1975. This indicates that during this period, young people had started to become more restrained, leading to a decrease in criminal activity. The author presents the below-table with the scheme of such criminal acts.<sup>63</sup>

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59 Jehona Hulaj, 'Dhunimet Seksuale Në Kosovë, Për Shtatë Muaj Në Policinë e Kosovës Janë Raportuar 41 Raste' (*Telegrafi*, 31 August 2022) <<https://telegrafi.com/dhunimet-seksuale-ne-kosove-per-shtate-muaj-ne-policine-e-kosoves-jane-raportuar-41-raste-te-tilla/>> accessed 31 January 2024.

60 *ibid.*

61 Vesel Latifi, *Kriminaliteti i të rinjëve në Kosovë* (Enti I teksteve dhe mjeteve mësimore I Krahinës Socialiste Autonome të Kosovës, Universiteti i Prishtinës 1980) 71-2.

62 The Criminal Code of the Autonomous Province of Kosovo issued in 1977 by the Assembly of the Autonomous Province of Kosovo, as part of the SFRY. *Ligji Penal i Krahinës Socialiste Autonome të Kosovës datë 28 qershor 1977 [1977] Gazetën zyrtare e KSAK 25.*

63 Latifi (n 61) 71-2.

**Table D. Statistics of criminal offences in Kosovo (including sexual assaults) 1964-1973 by minors**

Year	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
<b>All juvenile offenses</b>	1207	1485	1859	4008	3520	3561	3418	3766	2927	2426
<b>Criminal offenses of other minors</b>	135	362	193	1337	426	722	336	335	302	321
<b>Percent %</b>	11	24	10	33	12	20	10	9	10	10

These statistics from the 1960s and 1970s revealed that these criminal acts constituted a figure of one criminal act for every seven general criminal acts (Table D).<sup>64</sup>

In the last six years, Kosovo has witnessed 225 cases of sexual assault reported to the Kosovo Police. The highest number was reported last year, with 58 cases, while in 2016 and 2017, there were 28 cases each. These cases reported to the Kosovo Police are categorised as criminal offences under the Penal Code of the Republic of Kosovo, specifically in the chapter “Criminal Offenses Against Sexual Integrity.”<sup>65</sup>

Following the armed conflict in Kosovo in 1998-1999, reports of sexual violence during and after the war gained special attention. Organisations for justice and human rights documented cases of sexual violence during this period, including rape, sexual torture, and sexual abuse used as a weapon to terrorise and suppress the population.<sup>66</sup>

Between 1997 and 1999, a considerable number of sexual violence cases were reported during the conflict of Serbian hegemony against the Albanian citizens of Kosovo. In February 2018, the Government of Kosovo began the process of registering the status of individuals who were victims of wartime sexual violence and verifying their cases.<sup>67</sup> “In total, 1,939 applications have been received so far, of which 1,881 have been processed, and we are waiting to process only 58 cases that have not yet received a response...”. Out of the 1,939 applications, 1,473 cases have been confirmed, of which 1,402 are female and 71 are male.<sup>68</sup>

64 *ibid.*

65 Ahmeti (n 33).

66 ‘Kosovë, verifikohet statusi i mbi 1.400 grave të dhunuara në luftë’ (*TRT Balkan*, 28 March 2023) <<https://albanian.trtbalkan.com/region/kosove-verifikohet-statusi-i-mbi-1400-grave-te-dhunuara-ne-lufte-12520647>> accessed 31 January 2024.

67 *ibid.*

68 *ibid.*



About 23 years after the war, in July 2022, the first verdict was issued where Serbia was convicted for sexual violence that occurred in the city of Vushtrri in 1999. The Basic Court of Prishtina sentenced former Serbian police officer Zoran Vukotic to ten years in prison for committing rape and participating in the deportations of ethnic Albanian civilians from the city of Vushtrri during the war in May 1999.<sup>69</sup> However, in reality, the number of reported cases of sexual violence during the war is higher, and unfortunately, the number of individuals convicted for sexual violence is minimal.

The Government of Kosovo has extended the mandate of the Government Commission for Recognizing the Status of Victims of Sexual Violence in War until February 2026. This commission evaluates claims that have been registered as victims of wartime rape and are entitled to social benefits. All women and men who have gained the status of victims of wartime rape in previous years are eligible to receive a monthly payment of 230 euros from the state.

But does this payment suffice, considering that the perpetrators roam freely in Serbia? Moreover, a more pressing dilemma arises from the fact that no one has been convicted of sexual violence, either in Serbian or international courts.<sup>70</sup>

However, sexual assault is not a phenomenon limited only to the time of conflict. Sexual assault in intimate relationships, families, and workplace environments has had a significant impact on Kosovar society. The majority of sexual assault cases go unreported due to fear, stigma, and deficiencies in the legal system.

The government and civil society organisations have taken several steps to address the issue of sexual violence in Kosovo. Efforts have been made to raise awareness and provide support and assistance to victims of sexual violence. Additionally, there have been attempts to strengthen the legal system and ensure criminal prosecution of perpetrators of sexual violence.

However, there are still significant challenges that need to be addressed. Underreporting and the fear of victims are major obstacles to identifying and pursuing cases of sexual violence. It is crucial to improve awareness and support for victims, as well as to ensure the sustainability and effectiveness of the legal system in handling these cases. Education and awareness of the population regarding respecting rights and preventing sexual violence are essential for creating a society where all individuals can live safely and with personal integrity.<sup>71</sup>

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69 Serbeze Haxhiaj, 'Kosovo: Special War Court Delivers First Convictions for Guerrillas' (*Balkan Transitional Justice*, 23 December 2022) <<https://balkaninsight.com/2022/12/23/kosovo-special-war-court-delivers-first-convictions-for-guerrillas/>> accessed 31 January 2024.

70 *ibid.*

71 Ahmeti (n 33); Nixha (n 32); Eileen Skinnider dhe Ariana Qosaj-Mustafa, *Parandalimi dhe luftimi i dhunës ndaj grave dhe dhunës në familje: Manual Trajnimi për Trajnerë për Prokurorë dhe Gjyqtarë* (Projekti "Fuqizimi i luftës kundër dhunës kundër grave dhe dhunës në familje në Kosovë" - Faza II, Këshilli i Evropës 2020) <<https://rm.coe.int/tot-manual-for-prosecutors-and-judges-alb/1680a1ac53>> accessed 14 March 2024.

In 2022, the Government of Kosovo made a decision to approve the “State Protocol for the Treatment of Cases of Sexual Violence.”<sup>72</sup> The primary objective of the Protocol is to standardise the necessary actions for a continuous, comprehensive, and responsible response in the identification, protection, treatment, documentation, referral, sustainable empowerment, and reintegration of victims/survivors of sexual violence through immediate and professional interventions by responsible institutions. Therefore, this protocol aims to ensure sustainable treatment for victims/survivors of sexual violence, regardless of nationality, affiliation with any community, social or national origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, nationality, religious belief and faith, political affiliation, political opinion or other thoughts, social or personal status, age, family or marital status, pregnancy, childbirth, disability, genetic heritage, or any other basis.

In a publication by the European Institute for Gender Equality titled “Gender Equality Index: Measuring Progress in the Western Balkans,” authored by Marija Babovic, the issue of sexual violence in Western Balkan countries is discussed (including Kosovo).<sup>73</sup> The author highlights the status of violence against women in the Western Balkans based on data from various surveys and reports. According to the OSCE-led survey in 2018, prevalence rates of physical and/or sexual violence by an intimate partner or another person are generally lower in Western Balkan countries compared to the EU average. However, partner violence rates are higher than non-partner violence rates, with Albania having the highest rates of partner violence. Psychological violence, including economic violence, controlling behaviour, and abusive behaviour, is prevalent across all Western Balkan countries, with controlling behaviour being the most common form of psychological violence from partners.

Specifically:

- a) Approximately one in ten women have reported experiencing stalking since the age of 15, with Albania showing the highest prevalence among surveyed countries.
- b) Significant proportions of women in Serbia, Albania, Montenegro, North Macedonia, Kosovo, and Bosnia and Herzegovina have reported instances of sexual harassment, although rates are lower than the EU average.<sup>74</sup>

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72 The State Protocol for the Treatment of Cases of Sexual Violence has been approved by the Government of the Republic of Kosovo with Decision No. 11/109 dated 23.11.2022.

Vendimi i Qeverisë së Republikës së Kosovës nr 11/109 i datë 23 nëntor 2022 ‘Aprovohet Protokolli Shtetëror për Trajtimin e Rasteve të Dhunës Seksuale Republika e Kosovës’ <<https://md.rks-gov.net/desk/inc/media/04F016B5-48F2-4DB3-A595-D320114AC25D.pdf>> accessed 31 January 2024.

73 Marija Babovic, *Gender Equality Index: Measuring Progress in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia)* (EIGE 2023) 25-6 <<https://eige.europa.eu/publications-resources/publications/gender-equality-index-measuring-progress-western-balkans>> accessed 14 March 2024.

74 *ibid.*

Efforts are underway to improve data collection and measure violence against women more comprehensively. Initiatives include conducting EU surveys on gender-based violence in the Western Balkans and updating the Gender Equality Index to reflect progress and challenges in addressing violence against women in the region.<sup>75</sup>

## 6 THE EMPIRICAL PART (QUANTITATIVE DATA)

In 2022, a thorough survey was carried out through physical interviews with residents of Gjiilan city. The objective was to gain insights into public perceptions and attitudes regarding sexual violence. The study engaged 675 participants, comprising 331 males and 344 females, aged between 18 and 45, with diverse educational backgrounds spanning elementary, secondary, and university levels. The questionnaire consisted of ten questions probing various aspects of sexual violence awareness and response (see more in the Annex).<sup>76</sup>

The findings shed light on several critical aspects of the issue. Firstly, a considerable portion of the respondents, 372 individuals, acknowledged awareness of the increasing prevalence of sexual violence in Gjiilan. Furthermore, 316 participants reported specific knowledge of sexual assault incidents in the city. Notably, a majority of respondents, 602 individuals, expressed willingness to report such incidents to the police, suggesting faith in law enforcement's role in prevention.

Regarding preventive measures, opinions varied. While a significant number advocated for the inclusion of sexual education in school curricula (217 individuals), others emphasised the importance of family discussions (233 individuals) or higher penalties for offenders (200 individuals). Interestingly, a vast majority (582 individuals) believed that increasing penalties could deter sexual assault.

The survey also probed social attitudes and responses to sexual violence. A substantial portion of respondents (342 individuals) admitted they might withhold information about sexual assault if they knew a victim. However, a considerable majority (597 individuals) expressed willingness to support initiatives aimed at preventing sexual violence, indicating a proactive stance towards addressing the issue.

Finally, concerning personal involvement, a majority (465 individuals) affirmed their intention to report a family member's sexual assault to the police, underscoring a commitment to seeking legal justice rather than resorting to revengeful actions.

In conclusion, the research highlights the importance of awareness, prevention, and societal response mechanisms in tackling sexual violence in Gjiilan. The findings underscore the significance of education, legal measures, and community support in addressing this pressing social issue.

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75 *ibid.*

76 The questionnaire, together with the reports for all groups, is archived at the University "Kadri Zeka" Gjiilan in 2022.

Based on the findings, it is evident that the majority are willing to respond to the questionnaire. Most of them express interest in combating this phenomenon in various forms, including extreme ones, as indicated by the answers to the tenth question, where 18% of respondents emphasise that they would seek revenge if it happened to their close relatives.

Responses to the third question highlight the perceived importance of family discussion (33%) and inclusion of sex education (36%) in schools, as well as the necessity for higher penalties (31%) as a key element of prevention.

The eighth question is particularly significant as it highlights two major issues related to this topic: the lack of courage to report (50%) and prejudices against victims (30%).

Some of the findings for preventing sexual assault that we have encountered in this research are:

1. Awareness and education;
2. Increased awareness in institutions;
3. Promotion of a culture of consent;
4. Strengthening the law and criminal prosecution;
5. Establishment of helplines and specialised centres;
6. Involvement of the community.

Also, from the practice, we see that individuals who have been sexually assaulted may bear several negative effects, such as physical injuries, psychological trauma, emotional distress, social consequences (rejection), daily challenges, and even substance abuse, aiming for self-destruction.<sup>77</sup>

## 7 CONCLUSIONS

In conclusion, the issue of sexual assault in Kosovo is a major concern that requires urgent attention and comprehensive action. This paper has aimed to shed light on the complexity surrounding this widespread problem and provide knowledge about the factors contributing to its prevalence. Throughout the paper, we have explored various aspects related to sexual assault in Kosovo, including its historical context, cultural factors, legal framework, and societal attitudes. The evidence presented highlights the urgent need for a multidimensional approach to effectively combat this issue.

It is crucial to acknowledge that sexual assault is a violation of human rights that causes severe physical, psychological, and emotional harm to survivors. The experiences of survivors need to be validated, and they must be provided access to appropriate support services, such as counselling, medical care, and legal assistance.

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77 Skinnider and Qosaj-Mustafa (n 71).

The legal framework surrounding sexual assault in Kosovo requires considerable improvements. While noticeable progress has been made in recent years, more efforts are needed to strengthen legislation, ensure its effective implementation, and enhance the judicial process. This includes addressing the underreporting of sexual assault cases, reducing stigma and fear of punishment, and promoting a supportive environment for survivors.

Educational initiatives play a crucial role in preventing sexual assaults and promoting a culture of consent. Inclusive awareness campaigns targeting both men and women should focus on challenging gender stereotypes, promoting respect for boundaries, and encouraging healthy relationships. Schools, community centres, and other institutions should prioritise the implementation of age-appropriate sex education programs that cover topics related to consent, healthy relationships, and bystander intervention.

Furthermore, cooperation among stakeholders is essential for the effective combatting of sexual assault. Government units, civil society organisations, healthcare providers, and law enforcement agencies must work together to address this issue comprehensively. As for the impact of the state protocol on sexual assaults in Kosovo, it is still in its early stages, and the results, whether positive or negative, will soon be seen.

The final part, on sexual assault in Kosovo, calls for a comprehensive approach that includes legal reforms, support services for survivors, inclusive education, and collaborative efforts among stakeholders. By prioritising the safety, well-being, and empowerment of survivors, we can strive towards creating a society free from sexual violence, where everyone can live with dignity, respect, and equality.

## 8 RECOMMENDATIONS

Within the framework of recommendations concerning sexual violence, it can be observed that Kosovo has made significant strides in its legislative efforts to safeguard victims. Nevertheless, there remains a need for further enhancement, particularly in the realms of human rights, public health, social cohesion, gender equality, women's empowerment, the rule of law, international cooperation, reputation, and economic prosperity. Henceforth, we delineate some pertinent recommendations pertaining to sexual violence, including:

*First*, legal reforms aimed at strengthening the legal framework for combating sexual violence and addressing deficiencies in reporting, prosecution, and penalising punishment. *Secondly*, public awareness campaigns to implement comprehensive awareness campaigns targeting schools, communities, and institutions to challenge gender stereotypes, promote consent, and reduce stigma. *Thirdly*, support services focused on enhancing support services for survivors, including counselling, medical care, and legal assistance, with a focus on ensuring their sustainability and effectiveness. *Fourthly*, education programs to introduce

age-appropriate sex education programs in schools and institutions to foster a culture of consent and healthy relationships. *Fifthly*, collaborative efforts to foster cooperation among government units, civil society organisations, healthcare providers, and law enforcement agencies to address sexual violence comprehensively. *Lastly*, a commitment to monitoring and evaluating the impact of implemented measures, including the State Protocol, and making necessary adjustments and improvements.

By addressing these recommendations, Kosovo can strive towards creating a society free from sexual violence, prioritising the safety, well-being, and empowerment of survivors. This comprehensive approach involves legal reforms, public awareness, education, and collaborative efforts among stakeholders.

Also, as part of this study, we have appended more than 600 citizen questionnaires to supplement the quantitative research. The quantitative research results are part of this paper's appendix.

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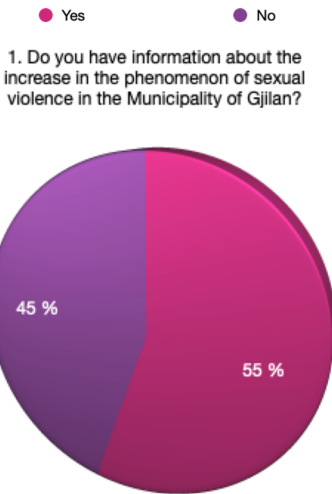
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**QUESTIONARY TO SECTION 6 “THE EMPIRICAL PART  
 (QUANTITATIVE DATA)”**

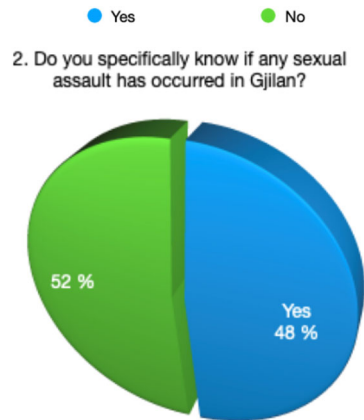
There are a total of 10 questions. Below are the graphs representing the questions and their corresponding findings:

1) Do you have information about the increase in the phenomenon of sexual violence in the Municipality of Gjilan?

- A) Yes – 372 (165 Men – 207 Women);
- B) No – 301 (165 Men – 136 Women).



- a) Yes 372 (165 Men- 207 Women)
- b) No 301 (165 Men- 136 Women)



- A) Yes 316 (157Men-159Women)
- B) No 341 (181Men-171Women)

3) Who plays the most significant role in preventing sexual assault?

- A) Inclusion in the school curriculum - Sexual education – 217 (107 Men – 110 Women);
- B) Family discussion with children – 233 (102 Men – 131 Women);
- C) Higher penalties for violators – 200 (112 Men – 88 Women).

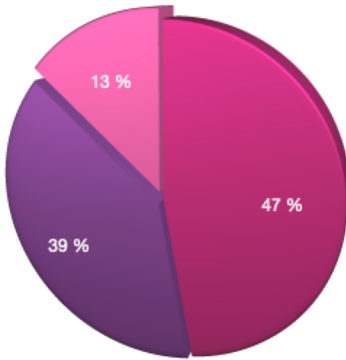


4) Would reporting to the Police influence the prevention of sexual assault?

- A) Yes – 598 (287 Men – 311 Women);
- B) No – 50 (25 Men – 25 Women).

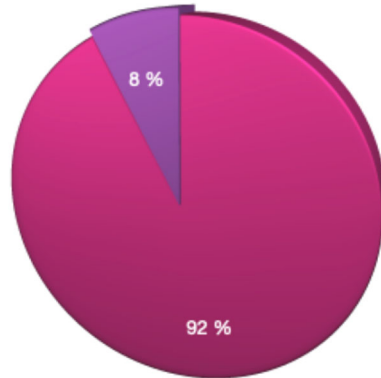
● School curriculum - ● Family discussion ● Higher Penalties

3. Who plays the most significant role in preventing sexual assault?



- A) Inclusion in the school curriculum - Sexual education 217 (107Men-110 Women)
- B) Family discussion with children 233 (102Men-131 Women)
- C) Higher penalties for violators 200 (112Men-88 Women)

● Yes ● No  
4. Would reporting to the Police influence the prevention of sexual assault?



- A) Yes 598 (287Men-311Women)
- B) No 50 (25Men-25Women)

5) In case you have information about a sexual offender, would you report it to the Police?

- A) Yes – 602 (280 Men – 322 Women);
- B) No – 12 (10 Men – 2 Women);
- C) I have no answer – 55 (29 Men – 26 Women).

6) Do you believe that increasing penalties for sexual offenders would prevent sexual assault?

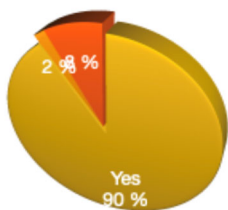
- A) Yes – 582 (261 Men – 321 Women);
- B) No – 88 (50 Men – 38 Women).

● Yes    ● No    ● I have no answer

● Yes    ● No

6. Do you believe that increasing penalties for sexual offenders would prevent sexual assault?

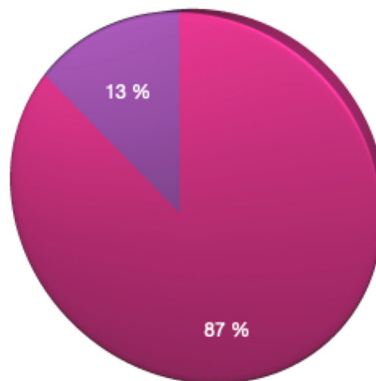
5. 1) In case you have information about a sexual offender, would you report it to the Police?



A) YES 602  
 (280Men-322Women)

B) NO 12  
 (10Men-2Women)

C) I have no answer 55  
 (29Men-26Women)



A) Yes 598 (287Men-311Women)

B) No 50 (25Men-25Women)

7) If you knew that a girl had been sexually assaulted, would you be able to keep this information from others?

A) Yes – 342 (161 Men – 181 Women);

B) No – 154 (70 Men – 84 Women);

C) I have no answer – 162 (70 Men – 92 Women).

8) The increase in the number of sexual assaults, is it a consequence of:

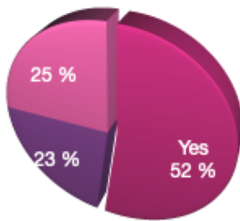
A) Lack of courage to report by victims – 312 (149 Men – 163 Women);

B) Low penalties – 130 (82 Men – 48 Women);

C) Prejudices that can be done to the victim – 185 (84 Men – 101 Women).

● Yes ● No ● I have no answer ● Yes ● No ● I have no answer

7. If you knew that a girl had been sexually assaulted, would you be able to keep this information from others?

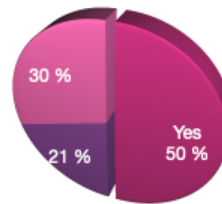


Yes 342 (161M-181W)

B) NO 154 (70M-84W)

C) I have no answer 162 (70M-92W)

8. The increase in the number of sexual assaults, is it a consequence of?



A) Not daring to report by the victims 312 (149Men-163Women)

B) Low penalties 130 (82Men-48Women)

C) Prejudices that can be done to the victim 185 (84Men-101Women)

9) If you were asked to support any initiative to prevent sexual assault, would you be willing?

A) Yes – 597 (238 Men – 359 Women);

B) No – 16 (13 Men – 3 Women);

C) I have no answer – 48 (27 Men – 21 Women).

10) In case a family member of yours is sexually assaulted, how would you act?

A) You will report the case to the police... – 465 (189 Men – 276 Women);

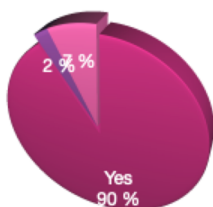
B) I would take revengeful actions – 122 (78 Men – 44 Women);

C) I have no answer – 80 (38 Men – 42 Women).

● Yes ● No ● I have no answer

● Yes ● No ● I have no answer

9. If you were asked to support any initiative to prevent sexual assault, would you be willing?

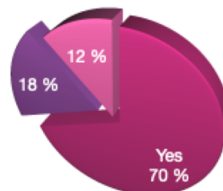


A) YES 597  
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10. In case a family member of yours is sexually assaulted, how would you act?



A) You will report the case to the police... 465  
 (189M-276W)

B) I would take revengeful actions 122 (78M-44W)

C) I have no answer 80  
 (38M-42W)

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**Keywords:** *Kosovo, sexual violence, public perception, legal framework, gender equality.*

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## АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

### БОРЬБА З СЕКСУАЛЬНИМ НАСИЛЬСТВОМ В КОСОВІ: ГЛОБАЛЬНІ ПЕРСПЕКТИВИ ТА ЛОКАЛЬНІ РІШЕННЯ

**Берат Дермаку\***, **Косоваре Сони** та **Ліза Реджепі**

#### АНОТАЦІЯ

**Вступ.** Боротьба з сексуальним насильством є гострим соціальним питанням, яке потребує комплексних дій та уваги. У Косові сексуальне насильство залишається серйозною проблемою, що вимагає багатовимірного підходу. У цій статті розглядаються різні аспекти сексуального насильства в Косові, досліджується його історичний контекст, культурні фактори, нормативно-правова база та ставлення суспільства.

**Методи.** У роботі синтезовано інформацію з різних джерел, у тому числі емпіричні дані опитування, проведеного в місті Гілан у 2022 році, у якому взяли участь 675 учасників. Методи статистичного аналізу було використано для того, щоб дослідити результати опитування та отримати важливі висновки щодо суспільного сприйняття, ставлення та реакції на сексуальне насильство.

**Результати та висновки.** Отримані результати підкреслюють нагальність вирішення проблеми сексуального насильства в Косові за допомогою правових реформ, кампаній з підвищення обізнаності громадськості, служб підтримки постраждалих, освітніх ініціатив і спільних зусиль між зацікавленими сторонами. Надаються рекомендації щодо зміцнення нормативно-правової бази, покращення послуг підтримки, підвищення обізнаності та сприяння співпраці між урядовими, неурядовими та громадськими організаціями.

Виконання цих рекомендацій може допомогти створити вільне від сексуального насильства суспільство, і надавати пріоритет безпеці, благополуччю та розширенню можливостей постраждалих. Комплексно вирішивши проблему сексуального насильства, Косово може сприяти соціальній згуртованості, гендерній рівності, правосуддю та економічному розвитку, а також покращувати свою міжнародну репутацію та співпрацю в межах процесів європейської інтеграції та повоєнного відновлення.

**Ключові слова:** Косово, сексуальне насильство, суспільне сприйняття, нормативно-правова база, гендерна рівність.