

# Guide for Social Service Officers in Assisting *Victims of Domestic Violence*



*A compilation of relevant international instruments and  
Kosovo legislation for Centres for Social Work*

November 2021



# **Guide for Social Service Officers in Assisting *Victims of Domestic Violence***

*A compilation of relevant international instruments and Kosovo  
legislation for Centres for Social Work*

# Table of Contents

<b>I. Introduction .....</b>	<b>5</b>
What is Gender-Based Violence and Domestic Violence? .....	7
Forms of Violence Against Women .....	8
Who are the Domestic Violence Victims? .....	9
Identification marks that may help distinguish gender based violence .....	10
Risk Factors .....	11
Impact of violence on women .....	12
Children victims of domestic violence.....	13
<b>II. Kosovo Legal and Policy Framework on Domestic Violence .....</b>	<b>15</b>
<b>III. The role of social service officers in addressing domestic violence cases .....</b>	<b>17</b>
Role and Responsibilities of Centre for Social Work in addressing domestic violence case .....	17
The role of the social service officers in addressing child victim/survivor of domestic violence .....	22
<b>IV. Annex: Main International instruments and principles on violence against women ..</b>	<b>24</b>

## Abbreviations

<b>CSW</b>	Centre for Social Work
<b>CCK</b>	Criminal Code of Kosovo
<b>DV</b>	Domestic Violence
<b>GBV</b>	Gender Based Violence
<b>IC</b>	Istanbul Convention
<b>IPV</b>	Intimate Partner Violence
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>VAW</b>	Violence Against Women

# I. Introduction

***The Centre for Social Work (CSW) – is a municipal professional and administrative institution, with responsibilities to provide protection for residents in social need, including providing social and family services for all referred or identified victims of domestic violence.***

The mandate of CSW includes to assign a Legal Custodian who shall represent the legal interest of the victims under the age of 18. The Legal Custodian provides opinion on the important decisions related to health, education and assets to child victims of domestic violence (be it direct or indirect victim) and adult victims with no legal capacity.

**Social Services Officer** shall mean a qualified Social and Family Services professional, in the area of social work, psychology, sociology, law, pedagogy or other discipline closely related to social and family services licensed and registered in the register of General Social and Family Services Council.<sup>1</sup>

*The role of social service officer is to assist the Domestic Violence (DV) victims/survivors in understanding violence experience, coping and recovering from the trauma experienced, explain the options available to the DV victim/survivor so that the DV victim/survivor can make an informed decision about what they would like to do in these envisaged circumstances.*

*The social service officer has an obligation to inform and advise the DV victims/survivor in line with the legal and policy framework in place for victims/survivors of domestic violence. The social service officer should safely refer and follow up with other services until the DV victim/survivor is reintegrated into the society.*

It is very important for the social service officer to apply a victim-centred approach at all stages of processing and managing domestic violence cases. This means a commitment to protecting victims, being sensitive to victim issues and responsive to victim needs.

Social service officer should ensure the necessary support that the victim may need with a view to ease their moral distress and allow for victim empowerment and reintegration.

**The objective of this guide** is to assist social service officers in treating victims/survivors of domestic violence. The Guide of the relevant international instruments and Kosovo legislation for Centers for Social Work in addressing Domestic Violence cases is drafted based on Council of Europe Convention on preventing and combating violence against women, and domestic violence<sup>2</sup> (IC), Psycho-social services provision, part of multi-sectoral response to Gender based Violence Standard Operating Procedures – United Nation Population Fund publication<sup>3</sup> and Kosovo legal and policy framework on domestic violence<sup>4</sup>.

---

<sup>1</sup> Ibid. Article 1 (1.3 (i)), Law on Social and Family Service.

<sup>2</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), 01 August 2014. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>. (Accessed December 28, 2020).

<sup>3</sup> [https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs\\_psycho-social%20services\\_eng.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs_psycho-social%20services_eng.pdf). (Accessed December 28, 2020)

<sup>4</sup> See Law No.03/L-182 on Protection Against Domestic Violence, June 01 2010. See also Standard Operating Procedures for Protection from Domestic Violence in Kosovo (2013). Available at: <https://abgi.rks-gov.net/assets/cms/uploads/files/>

This guide provides information on key concepts of violence against women (VAW); forms of VAW; domestic violence (DV); victims of domestic violence; domestic abuse; patterns of power and control over women and cycle of violence and impact of VAW on victims. Furthermore, some basic information on how to address cases of domestic violence are also provided, including:

- Identification
- Referral
- Protection and
- Co-ordination of approaches to domestic violence.

Domestic Violence is a sensitive issue, hence it should be handled with care, sensitivity and confidentiality by social service officers. Social service officers are crucial in prevention and protection of DV since very often they are the first entry point for victims when they seek help. Therefore social service officers have to apply victim-centred approach, and inter-agency co-operation and referral mechanisms.

Based on DV cases reported to the Kosovo Police's Domestic Violence Section, 80 per cent of reported DV cases involve women and girls, while 20% of reported DV cases target men and boys.<sup>5</sup> The COVID-19 pandemic and, consequently, the lockdown and movement restrictions, led to an average **increase of around 8 per cent in reported cases of domestic violence Kosovo-wide** between January and December 2020, compared to the same period in 2019<sup>6</sup>. At the same time, the figures vary significantly depending on the region whereas the majority of cases remain unreported<sup>7</sup>.

**Low level of reporting to Kosovo Police and Social Services** - based on the *OSCE Survey on Wellbeing and Safety of Women in Kosovo*, 2019<sup>8</sup> only 2 per cent of women reported their most serious incident of current partner violence to the police, **3 per cent - to social services** and hardly any reported that they contacted a women's shelter or another specialized service.

---

[Publikimet%20ABGJ/Procedurat%20Standarte%20t%C3%AB%20Veprimit%20p%C3%ABr%20Mbrotjtje%20nga%20Dhuna%20n%C3%AB%20Familje.pdf](#). (Accessed December 28, 2020).

<sup>5</sup> Kosovo Police reports show that during 2019, 1915 cases of domestic violence, which included 1978 domestic violence victims, were reported (1592 women and 386 men), in 2020, 2069 cases of domestic violence including 2101 domestic violence victims were reported to the KP (1632 women and 469 men).

<sup>6</sup> Kosovo Police reports show that 2101 victims of domestic violence were reported between January to December 2020, which is 123 victims more than in 2019.

<sup>7</sup> According to the OSCE Mission in Kosovo '*Survey on Well-being and Safety of Women in Kosovo*' (2019), only 2% of interviewed victims contacted the Kosovo Police directly following the most serious incident of violence.

<sup>8</sup> See OSCE '*Survey on Well-being and Safety of Women in Kosovo*' (2019).

## What is Gender-Based Violence and Domestic Violence?<sup>9</sup>

### Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 3 – Definitions

“**Gender based violence against women**” means violence that is directed against a woman because **she is a woman** or such violence affects women disproportionately.<sup>10</sup>

“**Violence against women**” is a violation of human rights and a form of discrimination against women. It means all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in **public or in private life**.<sup>11</sup>

“**Domestic violence**” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.<sup>12</sup>

**Domestic Violence** is one of the most serious and pervasive forms of violence against women.

**The Law on Protection against Domestic Violence,<sup>13</sup> states that Family Relationship** is considered to exist amongst persons if they:

- 1.1.1. are engaged or were engaged;
- 1.1.2. are married or were married;
- 1.1.3. are in extra marital union or were in extra marital union;
- 1.1.4. are cohabiting in a common household or were cohabiting in such a household;
- 1.1.5. use a common house and are in connection by blood, marriage, or adoption, in law or are in a guardian relationship, including parents, grandparents, children, grandchildren, nephews, siblings, aunts, uncles or cousins;
- 1.1.6. are parents of a common child;
- 1.1.7. are procedural parties in a dispute of family relationship.

---

<sup>9</sup> See Definitions – Article 3, Istanbul Convention.

<sup>10</sup> See Gender Based Violence definition – Article 3.d, Istanbul Convention.

<sup>11</sup> See Violence Against Women definition – Article 3.a, Istanbul Convention.

<sup>12</sup> See Domestic Violence definition – Article 3. b, Istanbul Convention.

<sup>13</sup> See Article 2, paragraph 1.1 of the Law No.03/L –182 on Protection from Domestic Violence, August 2010.



## Forms of Violence Against Women

**Physical violence** is the intentional conduct of committing acts of physical violence against another person.<sup>14</sup>

**Psychological violence** is the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats<sup>15</sup>.

**Sexual violence including rape** covers all non-consensual vaginal, anal, oral penetration of a sexual nature of the body of another person with any bodily part or object.<sup>16</sup>

**Stalking** is intentional conduct of repeatedly engaging in threatening conduct direct at another person, causing her or him to fear for her or his safety. Stalking can occur with or without physical contact, it can include threats and harassment, it can be online or offline or it can include acts of spying or following the victim.<sup>17</sup>

**Forced marriage** refers to the intentional conduct or forcing an adult or child to enter into a marriage. The act of luring an adult or a child to the territory of a party or state than the one she or he resides with the purpose of forcing the adult/child into marriage. **It is closely linked to child or early marriage, when children are wed before reaching the minimum age for marriage.**<sup>18</sup>

---

<sup>14</sup> See Article 35 – Physical violence, Istanbul Convention.

<sup>15</sup> See Article 33 – Psychological violence, Istanbul Convention.

<sup>16</sup> See Article 36 – Sexual violence, including rape, Istanbul Convention.

<sup>17</sup> See Article 34 – Stalking and Article, Istanbul Convention.

<sup>18</sup> According to the Law No. 2004/32, Family Law of Kosovo, Article 15 and Article 16. The minimum age for marriage is 18 years old. The court may allow marriage for a minor person older than sixteen years upon request, if it concludes that the person has reached the necessary physical and psychological maturity for exercising his/her marital rights and to fulfill his/her marital obligations.

## Who are the Domestic Violence Victims?

ANYONE CAN BE A VICTIM!

Statistics have shown that **most of the victims are women and young girls in Kosovo.**<sup>19</sup> Elderly people, persons with disabilities, single women, single mothers, victims of sexual violence and victims of human trafficking may also be victims of domestic violence. However, both men and women can be victims of domestic violence.

Children in homes where there is domestic violence are automatically considered as victims.<sup>20</sup>

**Members of minority groups** may have difficulties in reporting violence because of the societal prejudices they face. People with disabilities are particularly exposed to domestic violence because they are less likely to report violence and seek for help.

**Women in rural areas** have limited access to relevant DV general and specialized services (such as social support, police assistance, health services and women's shelters). Older women are more likely to be dependent on partners both financially and emotionally and at risk of discrimination by the relevant services, making it extremely challenging to leave the abusive relationship<sup>21</sup>.

The PERPETRATORS are usually male family members or intimate partners<sup>22</sup>.

---

<sup>19</sup> Kosovo Police reports show that in 2019, 1978 domestic violence cases were reported (1592 women and 386 men. In 2020, 2101 domestic violence cases were reported (1632 women and 469 men).

<sup>20</sup> See Preamble, Istanbul Convention Standard (Recognizing that children are victims of domestic violence, including as witnesses of violence in the family).

<sup>21</sup> See OSCE *'Survey on Well-being and Safety of Women in Kosovo'* (2019) , page 75 and 76.

<sup>22</sup> Ibid. Page 37, Over half of women (54%) who have, or have had, a partner indicate that they have experienced intimate partner violence.

## Identification marks that may help distinguish gender based violence

Most common psychological and psychosomatic effects:<sup>23</sup>

- ✓ Feelings of guilt, shame, anger, sadness, despair, helplessness, hopelessness, emptiness, powerlessness, suffocation.
- ✓ Constant feeling of danger (always feeling on the alert).
- ✓ Fear of everything, and failure to take care of themselves and others, and difficulty in concentrating, and profound loneliness (alienation).
- ✓ Loss of ability to make plans and lack of initiative, fear of facing life alone, meaning of and interest in life and lack of self-esteem and agitation, nervousness.
- ✓ Heart diseases.
- ✓ Digestive disorders.
- ✓ Sleep disorders and eating disorders.
- ✓ Headaches, muscular pain and substance abuse<sup>24</sup>

Specific psychological effects more common in case of sexual violence:

- ✓ Rumination.
- ✓ Intrusive thoughts (the memory of the trauma suddenly comes back in a disturbing manner).
- ✓ Physical reactions (trembling or fainting on remembering the traumatic event).
- ✓ Flashbacks.
- ✓ Nightmares.<sup>25</sup>

---

<sup>23</sup> See Article 37 - Forced marriage, Istanbul Convention.

<sup>24</sup> See *Psycho-social services provision, part of multi-sectoral response to GBV - Standard Operating Procedures*, UNFPA Regional Office for Eastern Europe and Central Asia (UNFPA EECARO), 2015. (p.10).

Available at: [https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs\\_pscho-social%20services\\_eng.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs_pscho-social%20services_eng.pdf). (Accessed December 28, 2020).

<sup>25</sup> Ibid. (p.11).

## Risk factors<sup>26</sup>

To properly ensure the victim's safety, understanding risk factors is necessary.

- ✓ Previous acts/incidents of GBV against the victim/survivor, the children or other family members.
- ✓ History of abuse, forms and patterns of violence used, former convictions or reports to police, weapons used are indicators to evaluate the danger.
- ✓ Violent behaviour outside the family.
- ✓ Separation and divorce are times of high risk.
- ✓ The coalition of other family members with the perpetrator.
- ✓ Legal or illegal possession and/or use of weapons or threaten to use weapons.
- ✓ Alcohol or drugs consumption may disinhibit behaviours and lead to escalation of violence.
- ✓ Threats, in particular, threats of murder must be taken seriously.
- ✓ Extreme jealousy and possessiveness.
- ✓ Extremely patriarchal concepts and attitudes.
- ✓ Persecution and psychological terror (stalking).
- ✓ Non-compliance with restraining orders by courts or police.

Possible triggers that may lead to a sudden escalation of violence (changes in the relationship).

---

<sup>26</sup> See: Psycho-social services provision, part of multi-sectoral response to GBV Standard Operating Procedures, UNFPA, 2015 [https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs\\_psycho-social%20services\\_eng.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs_psycho-social%20services_eng.pdf) (accessed February 2021)

## Impact of violence on women<sup>27</sup>

### Short and long-term consequences of violence experiences on women

**Women or children victims of violence are not only subjects of violence, passively enduring violence, but also active agents, manoeuvring difficult situation, trying to prevent, resist and cope with the violence they experience.**

*The experiences of adults and children victims of violence are an important source of information, therefore they need to be empowered and treated with respect by those professionals who are in contact with them.*

**Short-term consequences** are the physical ones, result from the harm to which the victim is physically exposed and include bruises, welts, lacerations, abrasions, other injuries.

It has been acknowledged that women suffering from violence in comparison with women not subjected to violence are twice more likely to suffer from health problems.

**Psychological harm** has a devastating impact on the victim. The violence triggers emotional responses such as embarrassment fear, feeling of guilt or shame.

**Long-term consequences** may involve social, economic, physical and psychological consequences.

Victims who are financially dependent on their abuser, might find themselves in an insecure situation. Sometimes, women victims of violence lose their jobs, as the abuser is harassing them at their workplace.

**Victims of sexual violence** suffer long-term psychological consequences, involving anxiety, loss of self-confidence and a feeling of vulnerability. All these consequences are likely to reflect a pattern or repeat a victimization in intimate partner violence.

---

<sup>27</sup> See Council of Europe HELP Training material on Violence Against Women. Available at: <https://www.coe.int/en/web/istanbul-convention/help-online-course>. (Accesses December 28, 2020).

## Children victims of domestic violence<sup>28</sup>

Children who are exposed to a violent environment are also considered victims. Children of women experiencing partner violence are also affected by the violence, directly by suffering abuse themselves<sup>29</sup>. Children can be exposed to violence by the same perpetrators or by other persons with whom they share the residence.

When considering **the best interest of the child**, it is important to take into consideration all known incidents of violence.<sup>30</sup>

Therefore, they need general and special support services<sup>31</sup>. Furthermore, protection and support for child witnesses<sup>32</sup> must be ensured by always considering the best interest of the child.

Other measures such as removing a child from its family temporarily or permanently, should be seen as measures of last resort, while emergency restraining orders or protection orders should take priority.

It is necessary to support women and children in a holistic manner by providing access to all relevant services such as safe accommodation, access to healthcare, access to education and economic empowerment including secure the well-being of the children without separating them from their mother.

### Short-term consequences of violence on children<sup>33</sup>:

Children in homes where one parent is abused may feel fearful and anxious. They may always be on guard, wondering when the next violent event will happen. Children will react in different ways, depending on their age:

**Children of preschool age.** Young children who witness intimate partner violence may revert to doing things they used to do when they were younger, such as bed-wetting, thumb-sucking, increased crying, and whining. They may also develop difficulty falling or staying asleep; show signs of terror, such as stuttering or hiding; and show signs of severe separation anxiety.

**School-aged children.** Children in this age range may feel guilty about the abuse and blame themselves for it. Domestic violence and abuse hurts children's self-esteem. They may not participate in school activities or see a decline in learning interests, have fewer friends than

---

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> See Article 31.1 Custody, visitation rights and safety, Istanbul Convention.

<sup>31</sup> See Article 20 – General Support Services and Article 23 - Special Support services, Istanbul Convention.

<sup>32</sup> See Article 26.2 – Protection and Support for Child Witnesses, Istanbul Convention.

<sup>33</sup> See '*Effects of domestic violence on children*'. The Office on Women's Health (OWH), U.S. Department of Health and Human Services. Available at <https://www.womenshealth.gov/relationships-and-safety/domestic-violence/effects-domestic-violence-children>. (Accessed December 28, 2020).

others, and get into trouble more often. They also may have a lot of headaches and stomach aches.

**Teens.** Teens who witness abuse may act out in negative ways, such as fighting with family members or skipping school. They may also engage in risky behaviours, such as having unprotected sex and using alcohol or drugs. They may have low self-esteem and have trouble in creating friendly relations. They may create and start conflicts or bully others and are more likely to get in trouble with the law. This type of behaviour is more common in teenage boys who were subject to abuse during their childhood than in teenage girls. Girls are more likely to be withdrawn and to experience depression than boys.

### **Long-term consequences of violence on children<sup>34</sup>:**

Children are at a greater risk for repeating the cycle as adults by entering into abusive relationships or becoming abusers themselves.

Children who witness or are victims of emotional, physical, or sexual abuse are at higher risk for health problems as adults. These can include mental health conditions, such as depression and anxiety. They may also include diabetes, obesity, heart disease, poor self-esteem, and other problems.

Identification of barriers for reporting of violence:

- Shame and stigmatization: either because of the nature of their experiences or because they believed people would blame them for the violence.
- Not wanting to be separated from their children: as they assumed their children would stay with their father.
- Lack of financial independence: which would prevent them from leaving a relationship.
- Fear of repercussions from their partner: as they did not think the police or the law would protect them.
- Lack of trust in institutions: the belief that intimate partner violence is condoned.

---

<sup>34</sup> Ibid.

## II. Kosovo Legal and Policy Framework on Domestic Violence

### Kosovo Constitution – Article 50 [Rights of Children]<sup>35</sup>

1. Children enjoy the right to protection and care necessary for their wellbeing.
2. Children born out of wedlock have equal rights to those born in marriage.
3. Every child enjoys the right to be protected from violence, maltreatment and exploitation.
4. All actions undertaken by public or private authorities concerning children shall be in the best interest of the children.
5. Every child enjoys the right to regular personal relations and direct contact with parents, unless a competent institution determines that this is in contradiction with the best interest of the child.

**Criminal Code** - In line with the new Criminal Code of Kosovo (CCK), which entered into force in April 2019, **domestic violence and sexual harassment are distinct criminal offences.**

Article 248 of the CCK states that *“whoever commits physical, psychological or economic violence or mistreatment with the intent to violate the dignity of another person within a domestic relationship shall be punished by fine and imprisonment of up to three (3) years.”*<sup>36</sup>

Furthermore, Article 183 also defines - Sexual harassment as *“any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment.”*<sup>37</sup>

**Law on Protection from Domestic Violence** - aims to prevent domestic violence, in all its forms, through appropriate legal measures, of the family members, that are victims of the domestic violence, by paying special attention to the children, elders and disabled persons. This Law also aims at treatment for perpetrators of domestic violence and mitigation of consequences.<sup>38</sup>

**Law on Gender Equality– Article 3, paragraph 1.18. Violence on the grounds of gender** - shall mean all acts of violence that result in, or are likely to result in, physical, sexual, psychological, social or economic harm or suffering on the grounds of gender, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.<sup>39</sup>

**Law on Social and Family Services** - sets out and regulates for the provision of Social and Family Services to persons who are in need of social and family services<sup>40</sup> and families who are in need in Kosovo.

---

<sup>35</sup> See Article 50 of the Constitution, 15 June 2008, and the Amendments on the Constitution, 07 September 2012; 26 March 2013; 05 August 2015; 11 March 2016 and 25 September 2020.

<sup>36</sup> See Article 248 of the [Code No. 06/L-074](#), Criminal Code of Kosovo (CCK), January 2019.

<sup>37</sup> See Article 183, paragraph 2 of the CCK. See also Article 3 [the Law No. 05/L -020 on Gender Equality](#) in Kosovo, June 2015.

<sup>38</sup> See Article 1 of the Law on Protection against Domestic Violence.

<sup>39</sup> See Article 3, paragraph 1.18 of the Law No. 05/L -020 on Gender Equality, June 2015.

<sup>40</sup> See Article 1, paragraph 1.1 of the Law 02/L-17 on Social and Family Services, May 2007 and its amendments by the Law No. 04/L-081 on Amending and Supplementing the Law No. 02/L-17 on Social and Family Services, April 2012.



**Family Law of Kosovo**<sup>41</sup> - regulates engagement, marriage, relations between parents and children, adoption, custody, protection of children without parental care, family property relations and special court procedures for disputes of family relations.

**Administrative Instruction for Determining the Place and Way of Psychosocial Treatment for Perpetrators of Domestic Violence** - regulates and determines the place and manner of implementation of psychosocial treatment of a perpetrator of domestic violence in order to prevent the recurrence or if there is a risk of repeated domestic violence.<sup>42</sup>

**Administrative Instruction on Compulsory Medical Treatment for Perpetrators of Domestic Violence who are Dependants of Alcohol and Psychotropic Substances**<sup>43</sup> - regulates a compulsory medical treatment of perpetrators of domestic violence who are addicted to alcohol and other psychotropic substances.

**Standard Operating Procedures for Protection from Domestic Violence in Kosovo**<sup>44</sup> outline the institutional mechanisms directly involved in the protection of victims of domestic violence. It further explains their responsibilities at the four stages of response to domestic violence cases, which are: identification (reporting), referral, protection, reintegration and rehabilitation.

**Kosovo Strategy on Protection against Domestic Violence and Action Plan 2016 -2020**<sup>45</sup> - the implementation of the strategy aims to consolidate the response of stakeholders and service providers by (i) strengthening the existing institutional mechanisms and establishing new institutional mechanisms for efficient response to victims of domestic violence; (ii) coordinate actions and ensure financial sustainability to prevent, protect, treat, rehabilitate and reintegrate victims; (iii) taking appropriate measures to punish (prosecute) and continuously rehabilitate perpetrators of violence; as well as by (iv) organizing information activities and awareness campaigns.

---

<sup>41</sup> Law No. 2004/32, Family Law of Kosovo, September 2006 and its amendments by the Law No. 06/L-077 on Amending and Supplementing the Family Law of Kosovo No. 2004/32, March 2019.

<sup>42</sup> See Article 1, *Administrative Instruction No. 12/2012 for Determining the Place and Way of Psychosocial Treatment of Perpetrators of Domestic Violence*, October 2010.

<sup>43</sup> See *Administrative Instruction (Health) No.02/2013 on the Method of Treatment to Perpetrators of Domestic Violence Against which there is imposed the Measure for Mandatory Medical Treatment from Alcoholism and Addiction to Psychotropic Substances*, February 2013.

<sup>44</sup> See Standard Operating Procedures for Protection from Domestic Violence in Kosovo.

<sup>45</sup> National Strategy of Kosovo on Protection from Domestic Violence and Action Plan 2016 – 2020.

### III. The role of social service officers in addressing domestic violence cases

#### Role and Responsibilities of Centre for Social Work in addressing domestic violence cases<sup>46</sup>

The Centre for Social Work contacts the adult and juvenile victim immediately after the domestic violence case is referred by the police and other stakeholders in the referral system.

Every victim referred is assigned a Case Manager, who is a professional within the CSW and appointed by the CSW to lead the victim/survivor protection process in identifying, coordinating and providing existing social services.

In cases where children are victims of domestic violence by the biological parents or guardian, the Custodian Body within the CSW shall appoint a legal guardian who will represent and protect the best interests of the child.

#### IDENTIFICATION

- Respond immediately to cases of domestic violence when informed by the police or other service providers.
- Inform the police if the cases were directly referred or self-referred to the Center for Social Work.
- Provide immediate assistance to the victim
- Conduct interview with the DV victim/survivor alone, without presence of perpetrator, family member, relatives, close friends or any other person.
- Greet the person in a warm manner.
- Introduce yourself and briefly explain the institution's mandate/services.
- Kindly ask the person to introduce herself/himself.
- Avoid any physical contact with the DV victim/survivor or accompanying persons, as well as sudden movements. This may be stressful for DV victims/survivors, especially for those suffering of physical violence.
- Ask the person about the preference to be assisted by a counsellor of the same sex (especially in cases of sexual violence).
- Give the DV victim/survivor the chance to ask questions about everything he/she may consider important.

---

<sup>46</sup> See Standard Operating Procedures for Protection from Domestic Violence in Kosovo, page 37, 38, 39 and 67. See also *Psycho-social services provision, part of multi-sectoral response to GBV - Standard Operating Procedures*, UNFPA Regional Office for Eastern Europe and Central Asia (UNFPA EECARO), 2015. Identification –page 14 and 15; Referral – page 22 and 23; Documenting – page 21 and 22. Available at: [https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs\\_psycho-social%20services\\_eng.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/SOPs_psycho-social%20services_eng.pdf).

- Remember the needs of different population groups (e.g. persons with physical or mental disabilities, religious persons, and ethnic minorities) and make efforts to address them.
- Create a confidential and compassionate environment, actively listen to the person and give validating messages (please refer to sections: How to interact with a DV victim/survivor, and Working environment).
- Build the trust of the DV victim/survivor.
- Inform DV victim/survivor on their rights and available services.
- Observe the reflection period for 48 hours. *A 48-hour period counted from the accommodation of the victim in the shelter or any other safe location, which is given by service providers to the victim to adapt to the new environment without interference. This period aims to provide the DV victim/survivor with a peaceful and reflective period until the DV victim/survivor is familiarized with available services, shelter rules and until they are referred to other services<sup>47</sup>.*
- Assess DV victims/survivors social and economic condition and situation.

Visit DV victims/survivors family to assess safety of the victim/survivor and their children. Respect the victim's requests not to see the perpetrator.

## REFERRAL

- Evaluate what referral may be useful for the Domestic Violence victim/survivor, according to the needs and demands.
- Inform the victim on available services by institutions and service providers which provide advocacy, free legal aid services, rehabilitation and reintegration services and programs for victims/survivors of domestic violence.
- Obtain the consent of the victim/survivor to make the referral, prior to any further step.
- Clarify with the DV victim/survivor what information will be shared with other service providers and what information will be kept confidential (specify if there are any legal regulation/limitation).
- Give to the DV victim/survivor complete and correct information about service providers, following the 3W scheme described below:

**WHO** – which institution/organization provides services to DV victims/survivors, adding contact information of a person (name, telephone number) that can be reached as an entry point to that service.

**WHAT** – what sort of assistance they can expect to receive from a specific service provider, adding cost information related to that service.

---

<sup>47</sup> Standard Operating Procedures for Victims of Domestic Violence in Kosovo, page 9.

**WHERE** – where exactly is the place (the exact address) of the indicated services.

- Make the referral according to the DV victim/survivor's choice. Do not push the victim/survivor to take any action that she/he is not comfortable with.
- Accompany the referral by a short, written report and a telephone discussion with the other service provider, as a method for avoiding the situation when the victim/survivor has to repeat the story and answer the same questions during multiple interviews, reliving again the psychological trauma caused by the DV incident.
- Encourage the victim/survivor's autonomy by empowering her/him to do the referral by herself/himself.
- Accompany the victim/survivor to the referred service provider, if needed and possible.
- Explain for what purpose the collected evidence might be important/useful. Ask the DV victim/survivor if she/he desires the evidence of violence to be collected. Recall the importance to collect evidence as soon as possible in particular DV situations (e.g. sexual violence).
- Explain what should be done and what should be avoided in order to preserve/not to destroy the evidence (e.g. not to wash, change clothes). This is especially important in cases of sexual assault and rape.
- In accordance with the needs and desires, refer victim/survivor to other services.
- Refer victim to the relevant institution: Kosovo Police – Domestic Violence Section or other relevant service; shelter provider, victims advocate
- Case Manager of the CSW shall fill in the Basic Data Form<sup>48</sup> for the victim and submit to the Police or other service providers.
- If the DV victim/survivor and their children are in danger or feel unsafe, secure safe alternative accommodation to the shelter or any other facility.

## **PROTECTION**

- Develop the individual plan together with the DV victim/survivor observing reflection period of 48 hours.
- Inform DV victim/survivor on the eligibility for social services.
- Provide advice to the DV victim/survivor on services and requests.
- Raise awareness of the DV victim/survivor on what constitutes domestic violence and the effect that such abuse can have on children.
- Understand the psychological barriers faced by women in violent situation particularly in terms of prioritizing their children's wellbeing.
- Build mutual trust between social service officers and the DV victim/survivor.
- Support the DV victim/survivor to increase self-esteem and prioritize the DV victims/survivors and children's needs.

---

<sup>48</sup> Standard Operating Procedures for Victims of Domestic Violence in Kosovo, page 69.

- Focus on the DV victim's/survivor's strength: The DV victim/survivor might feel unable to leave their relationship due to emotional, economic and social effects of domestic abuse.
- In case the DV victim/survivor returns to the abusive relationship, do not judge them, offer them an open assistance every time they might want to leave.
- Understand their frustration, weakness and their fear.
- Work directly with the children to strengthen the parent-child relationship, as it can be badly affected by domestic abuse – especially if the victim separates from a violent partner.
- Understand the impact of domestic violence on the parents' mental health and their parenting skills.
- Implement the measures of psychosocial treatment issued by the court.
- Respect confidentiality. **Disclosure** of the fact that a report has been made or of the suspicion that a person has suffered domestic violence is **potentially harmful to victims/survivors of domestic violence**. Additionally, the **safety and wellbeing of the DV victim/survivor may be jeopardised if the perpetrator becomes aware** that the victim has made a report.
- Inform DV victim/survivor that all provided information is confidential and will not be disclosed at any time, including after the prosecution of the perpetrator or elimination of the threat otherwise.
- The **confidential information** will be disclosed only with their permission or if necessary to seek further assistance or ensure their safety.

## DOCUMENTING

- Collect and register information about DV victim/survivor/case, including: name, age, sex, marital status, details about children in custody mental health history, substance and drug consumption, family members and relations between them, information about socio-economic statute of victim/survivor/family, consent obtained.
- Collect and register full details of the DV incident and history of violence including:
  - evidence to support the alleged offence;
  - history of any other incidents, including those with previous partners;
  - relation between victim/survivor and perpetrator;
  - type of violence and frequency of events;
  - whether weapons were used (how and what type if possible);
  - witnesses present during the incident, including children.
- Describe in detail the consequences/effects of violence (physical, psychological and social).
- Describe risk and protection (personal and social/environmental) factors.
- Record the actions planned or undertaken to tackle the violent situation.
- Note safety planning and case characteristics in this matter.
- During follow-up counselling sessions, collect data regarding case evolution.

- Note what victim/survivor discloses using her/his own words.
- Document your doubts and the evidence they are based on.
- Inform the victims/survivors about the possible usage of the records and obtain the consent on that.
- Keep all records in a safe and confidential place. The guidelines embedded in each place will dictate how comprehensive the information should be.
- Allocate adequate time to enter data in data collection system.

### **CO-ORDINATION**

- Co-ordinate activities with other partners to reintegrate the DV victim/survivor. The custody body acting within CSW shall provide professional opinion if required by justice and court bodies, prosecution and police. Jointly with other relevant stakeholders develop interim safety plan for the DV victims/survivors.

### **SOCIAL SERVICES PROVIDED TO THE DV VICTIM/SURVIVOR**

- Ensure rehabilitation of the DV victim/survivor of domestic violence.
- Custody.
- Provide short term accommodation if needed to ensure safety of the victim.
- Support in social assistance.
- Support the DV victim/survivor to obtain personal documents and other administrative documents.

## The role of the social service officers in addressing child victim/survivor of domestic violence:

*The social service officer should undertake specific measures in assisting child victim/survivor of domestic violence*

### IDENTIFICATION

- Assign case manager.
- If there are reasons to believe that there is a serious direct threat to health, security or wellbeing of the child, the Custodial Body may enter any site and move the child to a safe place and provide care for a period not longer than 72 hours.
- Custodial Body shall be present at the first interview at the police station.

### REFERRAL

- Refer victim/survivor of domestic violence to the shelter. Boy-victims of domestic violence up to 12 years old can be accommodated at the regional domestic violence shelters<sup>49</sup>. However, boy-victims of domestic violence above 12 years old can be referred to non-governmental organizations, special shelters for child protection.
- When a child-victim of domestic violence is accommodated in the shelter and needs health services, the Custody Body should respond to shelter invitation to take the victim to health care institutions.

### PROTECTION

- CSW may submit a request for protection order or an emergency protection order to the court of the respective municipality where the victim resides.
- Child may be taken away from the family in case there an assessment of risk – without court decision for up to 72 hours. Before the 72-hour period expires, the Custodial Body must submit the case to the competent court, which shall decide on the custody of the child. If circumstances so require, the court may issue an order for an evaluation in a period of 21 days, to enable further investigation and evaluation, by which time the case must be submitted to the court for further consideration. This custody period of the child does not preclude other rights of parents, nor their duties towards the child
- Assessment of parenting capacity should be done by evaluating each case and situation individually.
- Case manager consults the legal custodian with regard to child-related decisions.

---

<sup>49</sup> In Kosovo there are eight shelters for victims of domestic violence including regional domestic violence shelter in Prishtinë/Priština, in Gjilan/Gnjilane, in Ferizaj/Uroševac, in Novobrdë/Novo Bërdë, in Prizren, in Gjakovë/Đakovica, in Pejë/Peć and in Mitrovicë/Mitrovica South.

- For important decisions related to health, education and assets – Case Manager shall provide protection forms.

## **CO-ORDINATION**

- Co-ordinate activities with other partners to reintegrate the children victims of domestic violence.
- The custody body acting within CSW shall provide professional opinion if required by justice and court bodies, prosecution and police.
- CSWs exercise the role of custodian body and represent the best interest of the child in all types of disputes involving children, including cases of domestic violence. In this capacity, they are always required to compile a written opinion about each case and submit it to the court before adjudication of any case.
- Jointly with other relevant stakeholders develop interim safety plan for the children victims of domestic violence.

Social service officers must have the Personal Protective Equipment against COVID-19 when they are in contact with vulnerable women, children, elderly and young people and perform their work based on the instructions and advice of the Institute of Public Health (IPH).<sup>50</sup>

---

<sup>50</sup> See *Provisional Guide on the Application of Measures to Prevent and Combat Covid-19 in Public and Private Institutions*, May 2020. Available at: <https://mf.rks.gov.net/desk/inc/media/6B4B25D1-4478-4FBF-98F1-6148C818F968.pdf>.



## IV. Annex: Main International instruments and principles on violence against women:

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW), 1982. Available at: <https://www.un.org/womenwatch/daw/cedaw/committee.htm>. [Accessed 23 March 2021]

Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104, December 1993. Available at: [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf). [Accessed 23 March 2021]

The Beijing Declaration and Platform for Action, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979. Available at: [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf). [Accessed 23 March 2021]

Convention on the Rights of the Child, General Assembly resolution 44/25, November 1989: Available at: <https://www.ohchr.org/documents/professionalinterest/crc.pdf>. [Accessed 23 March 2021]

The Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul 2011. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>. [Accessed 23 March 2021]

