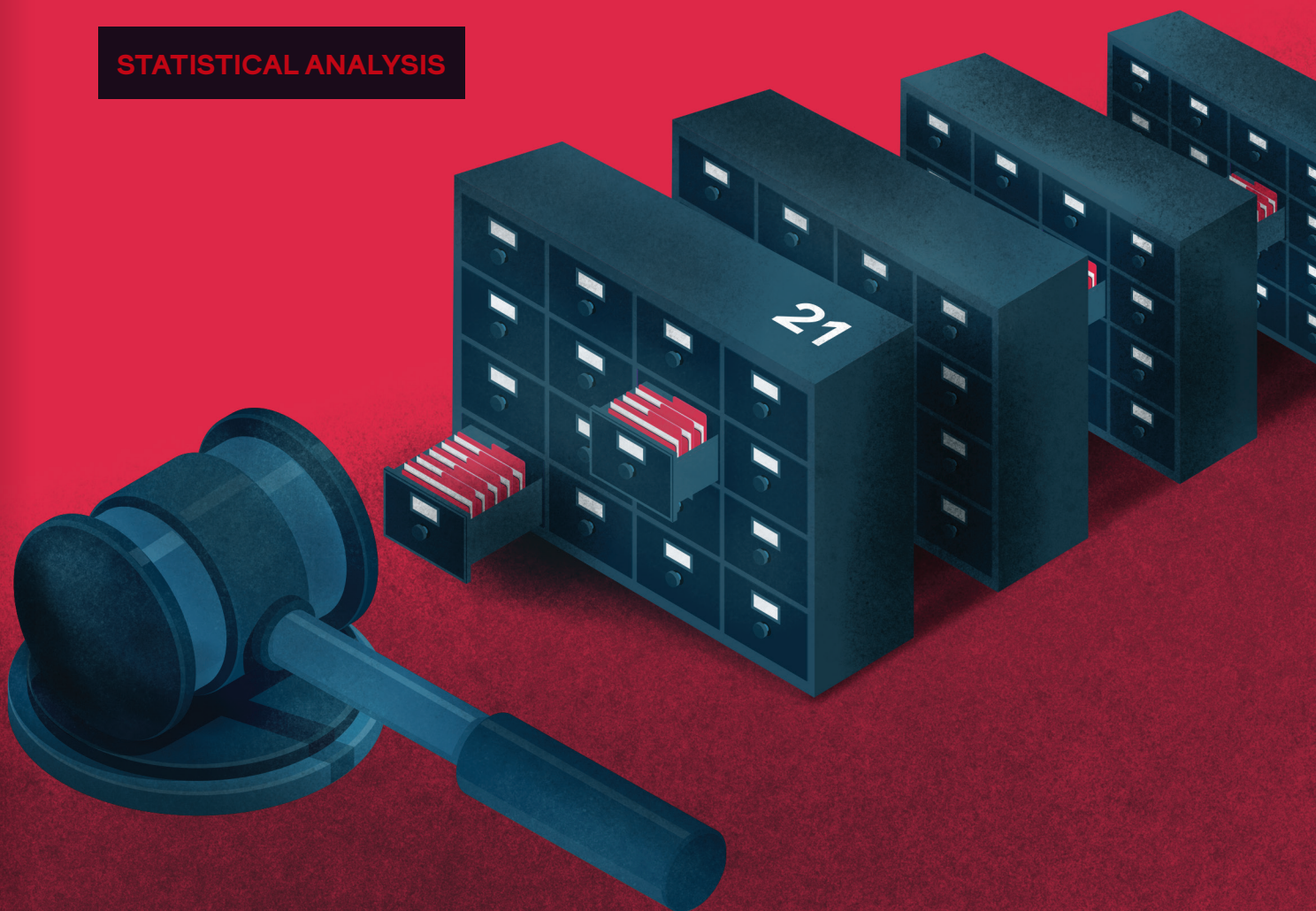


BEYOND THE NUMBERS

Performance of the prosecutorial and judicial system in dealing with and resolving cases of domestic violence during 2021

STATISTICAL ANALYSIS



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The performance of the prosecutorial
and judicial system in dealing with and
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STATISTICAL ANALYSIS

Titulli: Beyond the numbers - the performance of the prosecutorial and judicial system in dealing with and resolving cases of domestic violence during 2021 (statistical analysis)

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1. Introduction

Domestic violence is undoubtedly a serious phenomenon in society, which must receive the harshest possible response from society and state institutions. Social commitment towards protection from these acts should be the vital minimum in terms of preserving and irrigating the pure values of democratic and contemporary societies. Society's actions should translate into appropriate legal norms in the comprehensive fight against domestic violence.

According to various researches, despite the high level of prevalence of this phenomenon, domestic violence is one of the most widespread forms of crime in Kosovo society, therefore the creation of new mechanisms and strengthening of existing mechanisms is presented as an immanent need to combat this phenomenon. The legal and institutional framework in this area is mainly in line with that of the European Union and international standards, but the issue of its implementation remains challenging.

Despite the prevalence of this phenomenon, domestic violence continues to be one of the most unreported crimes in our society. Based on various reports and research by civil society organizations in Kosovo, many women still consider domestic violence in Kosovo to be a private matter, so gender-based violence often goes unnoticed and is not reported at all. According to these reports, it is estimated that one in three women has experienced physical and/or sexual violence from a partner, while one in ten women has experienced violent sexual intercourse or other violent sexual acts at some point in their lives.¹

According to another research report, during the period July 2015 - July 2021, the total number of domestic violence cases reported to the police was 9,917, with an average growth rate of about 20% each year, while 46 people ended up with fatalities as a consequence of this phenomenon.²

It should be noted that the spread of the COVID-19 pandemic has also had an impact on increasing the number of cases of domestic violence. Statistics show that Kosovo Police during March 2020 has received reports of 169 cases of domestic violence, respectively 36% more than in March of the previous year, while only in the first 6 months of 2021, 1374 cases were reported.

Domestic violence is provided in Article 248 of the Criminal Code of the Republic of Kosovo, respectively in the last article of Chapter XXI of this Code (Criminal offenses against marriage and family). Under these provisions, anyone who commits violence or physical, psychological or economic abuse for the purpose of violating the dignity of another person within a family relationship, is punishable by a fine and up to 3 years of imprisonment.³ Moreover, when any offense in the Criminal Code is committed within the family relationship, it will be considered an aggravating circumstance.

It should be noted that the old Criminal Code of the Republic of Kosovo⁴, which has already been repealed, did not provide for domestic violence as a separate criminal offense. The perpetrators of these offenses

1 For more, see: http://www.kipred.org/repository/docs/Qasja_n%C3%AB_drejt%C3%ABsi_e_viktimave_t%C3%AB_dhun%C3%ABs_me_baz%C3%AB_gjinore_n%C3%AB_Kosov%C3%AB_P%C3%ABrfundimi_i_mosnd%C3%ABshkimit_t%C3%AB_autor%C3%AB_528871.pdf

2 FOL Movement, "Electronic Bracelets" - Focus on preventing cases of domestic violence, December, 2021.

3 Code no. 06/L-074, Criminal Code of the Republic of Kosovo, article 248, para.1

4 Criminal Code of the Republic of Kosovo, no. 04/L-082 (repealed).

at that time were charged with other criminal offenses provided in the Criminal Code, in a serious form, such as: *Threat (Article 185); Harassment (Article 186); Attack (Article 187); Minor bodily injury (Article 188); Serious bodily injury (Article 189); Unlawful Deprivation of Liberty (Article 196); Torture (Article 199); Violence (Article 230); Sexual assault (Article 232); Degradation of sexual integrity (Article 233); Sexual relations within the family (Article 243); Failure to notify the preparation of criminal offenses (Article 385); Providing assistance to perpetrators after committing criminal offenses (Article 388).*

According to the Justice Monitoring Report by the EU Rule of Law Mission (September 2019 – March 2020)⁵, aggravating circumstances are often overlooked by judges when sentencing or considered unbalanced in terms of mitigating circumstances, while reasoning detailed information about these sentences is rarely provided. Moreover, according to this report, in many cases of domestic violence, which involve the use or possession of a weapon, this element is often not considered an aggravating factor, although it is described as such in the Criminal Code.⁶

According to the European Commission's 2021 Progress Report on Kosovo, domestic violence continues to be the most prominent form of gender-based violence in Kosovo. According to this report, the legal and institutional framework in this area is largely in line with EU and international standards. Moreover, according to this report, the prosecution and effective adjudication of cases (including the imposition of an appropriate sentence) remain limited. Among other things, the report states: "[...] *The Law on Domestic Violence is not yet in line with the revised Criminal Code nor with the Istanbul Convention ... [and] ... Strategy and Action Plan for Protection from Domestic Violence expired in 2020, while there is still no replacement. Overall, reporting of domestic violence remains low (1,632 cases in 2020; 889 cases from January to May 2021). Judges and prosecutors must become familiar with the new legislation and the database on prosecution and efficient adjudication of cases (including the imposition of appropriate sentences).*"⁷

⁵ EU Rule of Law Mission in Kosovo, Justice Monitoring Report, Findings and Recommendations September 2019 – March 2020..

⁶ Ibid.

⁷ Commission Staff Working Document, *Report on Kosovo * 2021*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions.

2. Methodology

This report addresses the issue of performance and efficiency of the judicial and prosecutorial system in resolving cases of domestic violence, as well as elaborates the level of workload of these institutions in resolving these cases.

The report is based on official statistical data received from the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) for 2021, while to measure the performance of these institutions on the basis of these official statistics, FOL has used the methodology of European Commission for the Efficiency of Justice (CEPEJ).⁸

All statistics presented in this report include only one group of criminal offenses, more precisely the criminal offenses of Article 248 of the Criminal Code of the Republic of Kosovo, respectively criminal offenses of domestic violence. These statistics only include criminal offenses with known perpetrators (PP).

The efficiency of the seven basic prosecutions, on the one hand, and the seven basic courts of Kosovo, on the other, have been part of the monitoring and performance measurement in this report. This measurement does not include the quality of cases and their clearance, the quality of work of prosecutors and courts, the quality of administration service or the integrity and professionalism of prosecutors and judges, but only the numeric (quantitative) analysis of their clearance.

Areas in which FOL is based on measuring the performance of the prosecution and judiciary according to the relevant indicators, are as follows: 1) case influx; 2) case clearance rate; 3) cases turnover rate; 4) duration of treatment of cases; and 5) index of accumulated cases.

The first part of the report analyzes the performance of the prosecutorial system in dealing with/resolving cases of domestic violence through the indicators of the European Commission for the Efficiency of Justice (CEPEJ) at the general level and for each prosecutor separately, as well as the number of filed indictments for persons by each of these prosecutions. While in the other part is analyzed the performance of the judicial system in resolving cases of domestic violence through the methodology of CEPEJ, also at the general level and for each court separately.

This is the first report regarding the statistical analysis of domestic violence offenses through the CEPEJ methodology made by the FOL Movement, while such measurements for corruption offenses through this methodology FOL has done in the past and the same will continue periodically in the coming months.⁹

⁸ The European Commission for the Efficiency of Justice (CEPEJ) is a body of the Council of Europe, which seeks to improve the efficiency and functioning of justice in the member states and develop and implement practical instruments adopted by the Council of Europe for this purpose. It should be noted that the FOL Movement report is not authorized by the Council of Europe and that the formulas, although identical, are not official.

⁹ For more, see: Prosecution Performance in the Fight Against Corruption 2017; Prosecution performance in Resolving Corruption Cases during 2020; Performance of the prosecutorial and judicial system in the fight against corruption during 2021.

3. Executive summary

Measuring the performance of the bodies of the justice system is necessary in the analysis of systemic and functional interaction, where the concrete factors of functioning or structural and organizational dysfunction of the justice system are identified through the presented data.

By performance of prosecutors and courts we mean the results achieved during the process of performing actions and tasks. Measuring quality performance, of course, does not mean only obtaining statistical figures, but it aims at objective evaluation of the work of prosecutors and courts in the Republic of Kosovo. In this regard, shortcomings can be found only through a methodology of continuous analysis and evaluation of the justice system, which inevitably need to be improved.

Based on the data we have provided and their design based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ), in this summary we will describe some of the main findings of this report.

- Out of 3799 cases of domestic violence that have been in process in the seven basic prosecution offices in 2021 (*1,113 of which inherited from previous years and 2666 new cases*), a total of 2407 cases have been resolved, respectively 63% of all cases which have been in process. Meanwhile, the part of 1372 cases remained unresolved and were transferred for 2022. While the seven basic courts of the Republic of Kosovo during 2021 had in process a total of 1312 cases of domestic violence (*75 of which were inherited from previous years and 1237 new cases*), of which they managed to solve 895 cases, or 68% of all cases of domestic violence they had in process.
- The transfer of a large number of cases from year to year continues to be challenging in the bodies of the justice system. In 2021, in the seven basic prosecution offices of the Republic of Kosovo a total of 1113 cases of domestic violence were transferred from previous years, or 29% of all cases in process. While in the basic courts of the Republic of Kosovo in 2021, 75 cases of domestic violence were transferred from previous years, respectively 6% of cases that were in process in 2021. Meanwhile for 2022, the seven basic prosecutions have transferred a total of 1372 cases, while the seven basic courts have transferred 417 cases of domestic violence.
- The average rate of resolving cases of domestic violence in the seven basic prosecution offices of the Republic of Kosovo for 2021 turns out to be 90%, which means that the number of resolved cases during this period was lower than the number of new cases received during the year. While the average case clearance rate of domestic violence in all basic courts during 2021 was 72%, which means that the number of resolved cases during this period (895 cases) was significantly lower than the number of new cases created during the year (1237 cases).
- The average turnover rate of the cases in the seven basic prosecution offices during this period was 1.75, which is based on the fact that the number of resolved cases during this period was significantly higher in relation to the cases that remained unresolved, and were transferred to 2022. While the average turnover rate in the seven basic courts of the Republic of Kosovo

during 2021 had reached 2.14, as the number of resolved cases during this period was twice as high in relation to the number of cases that remained unresolved, which have been transferred to 2022.

- The average index of accumulated cases in the seven basic prosecution offices during 2021 has reached 0.46 and is due to the fact that the number of cases of domestic violence inherited from the previous year (1113 cases) is lower than the number of cases resolved during this year (2407 cases). While the index of accumulated cases in the seven basic courts of Kosovo is significantly lower, respectively 0.08, because the number of cases inherited from the previous year was significantly lower (75 cases), than the number of cases resolved during this year (895 cases).
- The Basic Prosecution of Prishtina faced the largest influx of cases of domestic violence during 2021, which had 1554 cases in process. Meanwhile, with the lowest flow of cases of domestic violence during 2021 was the Basic Prosecution office of Gjilan, which had a total of 215 cases of domestic violence in process. Whereas, regarding basic courts of the Republic of Kosovo, the Basic Court of Prishtina faced the largest influx of cases of domestic violence, with 471 cases in process, while the Basic Court of Ferizaj faced the lowest flow of these cases, with a total of 88 cases of domestic violence in process.
- According to general statistics provided by the Kosovo Prosecutorial Council (KPC), the prosecution office that has achieved the best results in resolving/handling cases of domestic violence during this period is *the Basic Prosecution of Gjilan*, which during this period has reached the highest turnover rate of cases (42%), lowest index of accumulated cases (0.01), the shortest time needed to resolve cases (9 days) that had remained unresolved this year. In other words, out of 215 cases of domestic violence that this prosecution has had in process, it has managed to solve 210 cases, or 98% of all cases of domestic violence that it had in process during 2021.
- Meanwhile, the prosecution office with the worst results in handling cases of domestic violence during 2021 was *the Basic Prosecution of Prishtina*, which from 1554 cases in process during 2021, has managed to resolve/handle only 563 of them, or 36% of all cases it had in process. During this period, this prosecution has achieved the lowest rate of resolving cases (71%), the lowest rate of turnover of cases (0.56%), the longest time needed to resolve cases that this year remained unresolved (651 days), as well as the highest index of accumulated cases (1.36). In other words, out of 1554 cases of domestic violence that this prosecution has had in process, it has managed to resolve/handle 563 cases, or 36% of all cases that it had in process during 2021.
- While according to the general data provided by the Kosovo Judicial Council (KJC), the best results in resolving cases of domestic violence during 2021 have been achieved also by the Basic Court of Gjilan, which during this period has reached the highest turnover rate of Cases (11.75), the lowest index of accumulated cases (0.01), as well as the shortest time needed to resolve cases that this year had remained unresolved (31 days). In other words, out of 102 cases of domestic violence that this court has had in process, it has managed to resolve 94 cases, or 92% of all cases that it had in process during 2021.

- While the court with the worst results in resolving cases of domestic violence during 2021 is the Basic Court of Peja, which out of 198 cases of domestic violence in process during 2021, has managed to resolve only 98 of them, or 49%. During this period, this court has achieved the lowest case clearance rate (55%), the lowest case turnover rate (0.98), the highest index of accumulated cases (0.19), as well as the longest time needed to resolve cases that had remained unresolved this year (372 days) ..
- According to data provided by the Kosovo Prosecutorial Council, the seven basic prosecution offices during 2021 had filed indictments against 2244 persons in connection with criminal offenses of domestic violence.

Performance of the prosecutorial system in dealing with/resolving domestic violence cases during 2021



4. Performance of the prosecutorial system in dealing with/resolving domestic violence cases during 2021

Analyzing the performance of the prosecutorial system in dealing with cases of domestic violence is a necessary action in terms of evaluating institutional efforts and expecting results in combating this phenomenon. Achieving a satisfactory level of volume of institutional actions in preventing and combating this phenomenon is undoubtedly best translated and seen in the statistical and empirical results of the work of institutions within the prosecutorial system.

By analyzing the strengths and weaknesses in the work of prosecution offices in dealing with cases of domestic violence, we will be able to contribute to reflecting the overall situation of combating this phenomenon. The good performance of prosecution offices in dealing with cases of domestic violence, i.e. the efficiency in prosecuting persons involved in these criminal offenses, means full compliance with the laws and priorities set by the Prosecutorial Council. The following are the measurement indicators of the work efficiency of the seven basic prosecution offices in general in resolving cases of domestic violence in 2021.

While the general overview with the data of the prosecutorial system, on which these indicators are based on, is presented in the table below.

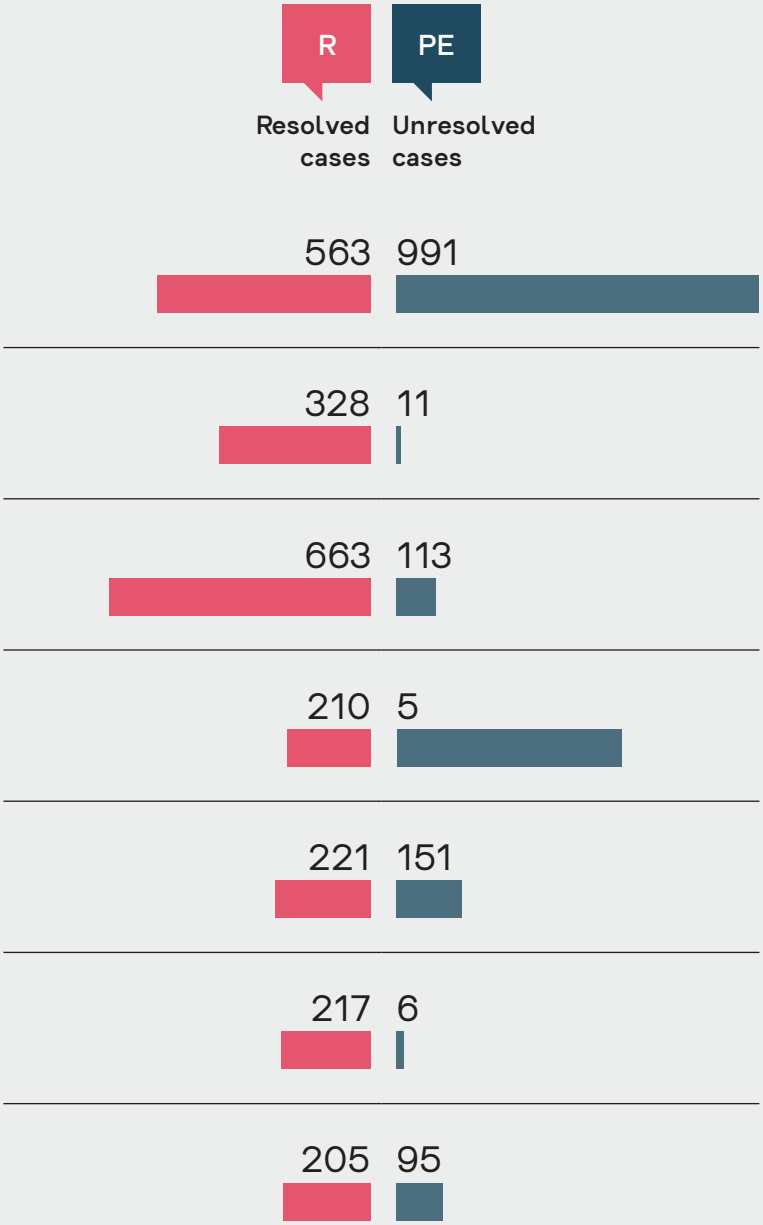
	SP Inherited cases	I New cases	CP Total cases in process
 Basic Prosecution in Prishtina	766	788	1554
 Basic Prosecution in Prizren	34	305	339
 Basic Prosecution in Peja	48	728	776
 Basic Prosecution in Gjilan	3	212	215
 Basic Prosecution in Mitrovica	202	170	372
 Basic Prosecution in Ferizaj	4	219	223
 Basic Prosecution in Gjakova	56	244	300

TOTAL:

1113

2666

3799



2407

1372

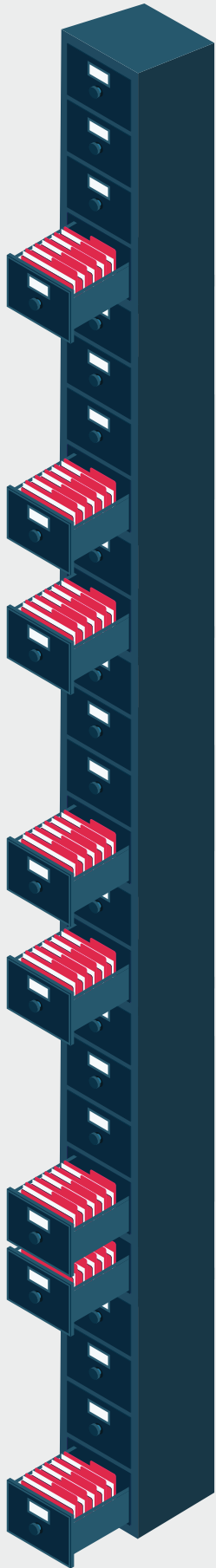


TABLE 1.

Overview of the performance of the first instance of the prosecutorial system in resolving cases of domestic violence during 2021.

4.1 Influx of cases

One of the biggest difficulties in the most efficient and quality management of cases by prosecution offices is the large influx of cases. Thus, the influx of cases is the basic indicator of workload and includes new cases, resolved cases and pending cases.

The number of new cases means the number of cases that enter the system and require action by prosecutors, while the number of solved cases is the answer given by the prosecutorial system, i.e. the number of cases that have been handled.¹⁰

Meanwhile, cases that are expected to be treated are the number of cases that remain to be resolved by the prosecution at a certain time and as such are cases that are transferred to the next year. The analysis does not include the initial phase, i.e. the phase of investigation or collection of information before they turn into criminal charges. The report therefore includes only criminal reports sent to the prosecution and their addressing by the prosecutorial system.

The influx of cases through the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$CP \text{ (cases in process)} = PS \text{ (unresolved cases at the beginning of the reporting period)} + I \text{ (new cases)}$$

During the period January - December 2021, the total number of cases in process in seven basic prosecution offices related to criminal offenses of *domestic violence* were **3779 cases**.

Therefore, this number is due to contribution of cases transferred from the previous year (1,113 cases), as well as the new cases created during the year (2,666 cases). So, expressed in percentage, on average 29% of domestic violence cases in process at seven prosecution offices were transferred from the previous year, while 71% of cases were new cases, created during 2021.

The following table shows the influx of cases of the seven basic prosecution offices separately during 2021.

¹⁰ Handling and resolving can serve as words that replace each other. The word "solve" is used for courts and "handle" is used for prosecution offices. This is because the case in the prosecution is not considered resolved without a court decision.

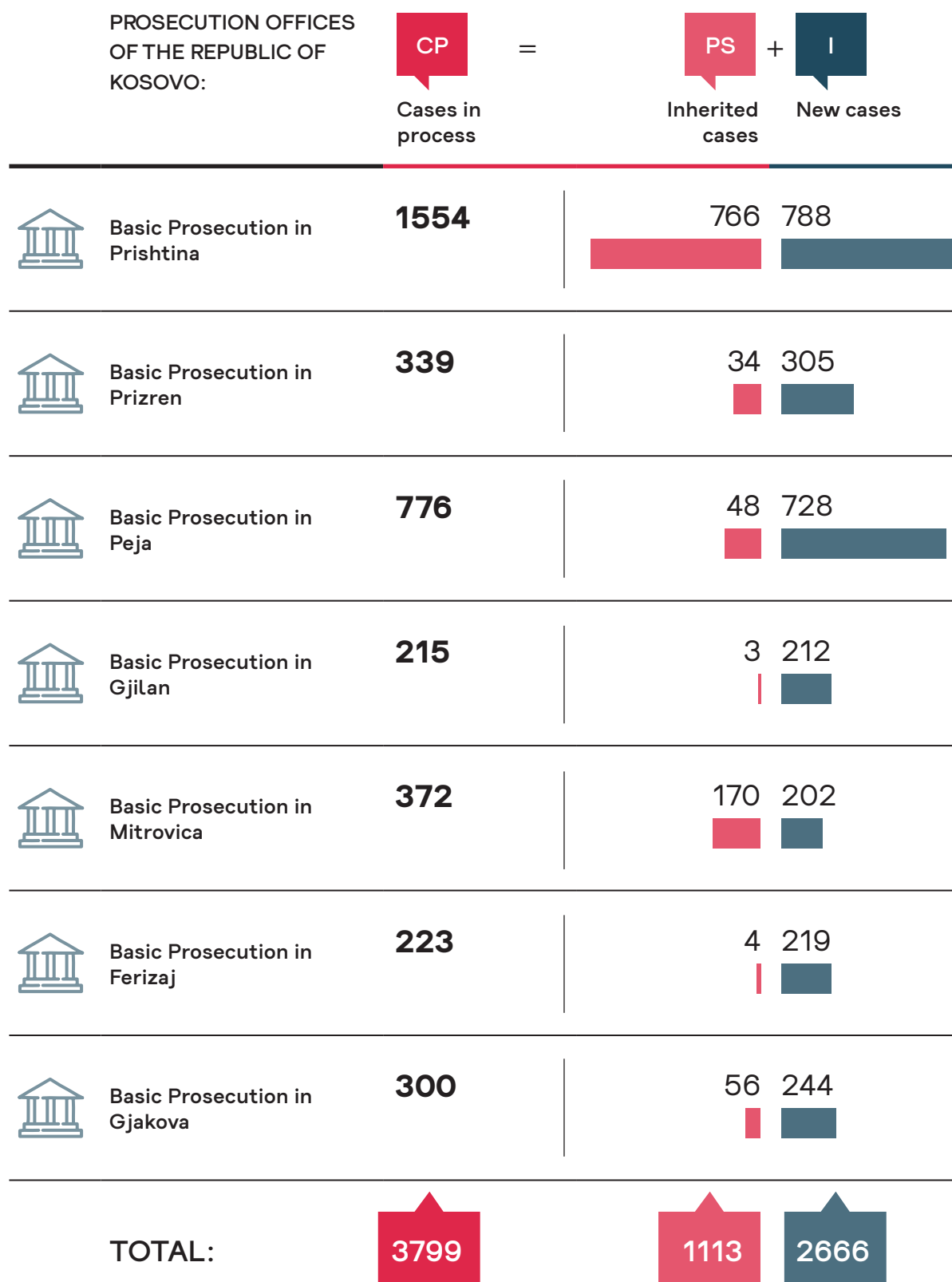


TABLE 2. Influx of domestic violence cases in the seven basic prosecution offices during 2021.

According to the table presented above, it turns out that with the highest influx of cases of domestic violence during 2021 is faced:

1	Basic Prosecution of Prishtina	1554 cases
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2	Basic Prosecution of Peja	776 cases
---	---------------------------	-----------

3	Basic Prosecution of Mitrovica	372 cases
---	--------------------------------	-----------

While with the lowest influx of cases of domestic violence during 2021 is faced:

1	Basic Prosecution of Gjilan	215 cases
---	-----------------------------	-----------

2	Basic Prosecution of Ferizaj	223 cases
---	------------------------------	-----------

3	Basic Prosecution of Gjakova	300 cases
---	------------------------------	-----------

4.2 Case clearance rate

Case clearance rate is an important indicator that measures the ratio between the number of new cases (I) and the number of resolved cases (R).

So within the measurement, this indicator does not include the number of cases inherited from the previous year. As such, this indicator shows the performance of a prosecution expressed in percentage, as well as indicates the working capacity of prosecutors in resolving new cases. The ideal case clearance rate should be 100%, which means that the system solves as many cases as it receives during the year.

The case clearance rate according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case clearance rate\%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$

Consequently, according to this formula, the average rate of resolved cases of domestic violence during 2021 in the seven basic prosecution offices is as follows:

$$\text{Case clearance rate} = \frac{2407}{2666} \times 100 = 90\%$$

So according to this formula, the number of resolved cases of domestic violence during 2021 was 2407, the number of new cases received during 2021 was 2666, and the rate of resolved cases of domestic violence during 2021 turns out to be 90%.

So the number of new cases received during 2021 was significantly higher compared to the resolved cases during this year, which means a lack of capacity to solve new cases, which creates a burden in the future with previous cases.

In other words, out of 3779 cases of domestic violence that were in process during 2021 (this includes cases inherited from previous years and new cases created during the year), prosecution offices have managed to resolve 2407 cases, respectively 64% of cases, while the remaining 1372 cases remained unresolved and were transferred to 2022.

Meanwhile, the case clearance rate of domestic violence in each basic prosecutor's office during 2021 is presented in the table below.

**BASIC PROSECUTION
OFFICES OF THE REPUBLIC
OF KOSOVO:**

$$\text{Case clearance rate\%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$
















	Basic Prosecution in Prishtina	$\frac{563}{788} \times 100 = 71\%$	
	Basic Prosecution in Prizren	$\frac{328}{305} \times 100 = 108\%$	
	Basic Prosecution in Peja	$\frac{663}{728} \times 100 = 91\%$	
	Basic Prosecution in Gjilan	$\frac{210}{212} \times 100 = 99\%$	
	Basic Prosecution in Mitrovica	$\frac{221}{170} \times 100 = 130\%$	
	Basic Prosecution in Ferizaj	$\frac{217}{218} \times 100 = 99\%$	
	Basic Prosecution in Gjakova	$\frac{205}{244} \times 100 = 86\%$	
TOTAL:		$\frac{2407}{2666} \times 100 = 90\%$	

TABLE 3. Case clearance rate of domestic violence during 2021 in the seven basic prosecution offices.

According to the table presented above, it turns out that the highest rate of resolved cases of domestic violence during 2021 was reached by:

- THE BASIC PROSECUTION IN MITROVICA **↑(130%)**, which managed to resolve 221 cases of domestic violence, while there were 170 new cases created during 2021.

While the lowest case clearance rate of domestic violence was reached by:

- THE BASIC PROSECUTION IN PRISHTINA **↓(71%)**, which managed to resolve 563 cases of domestic violence, while it had 788 new cases created during 2021.

4.3 Case turnover ratio

The case turnover rate measures the ratio between the number of resolved cases and the number of unresolved cases within a year. So this rate measures the frequency with which the system replaces the number of new cases. The European Commission's formula for measuring the efficiency of justice uses the number of resolved cases at the end of the reporting period and divides it by the number of pending cases, extracting the case turnover ratio.

In other words, the case turnover rate measures how quickly the system (in this case the prosecution) handles the cases it receives - which otherwise determines how long the system takes to clear a case.

The case turnover ratio through the methodology of the European Commission for Measuring the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case turnover ratio} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$

Consequently, from this formula, the average turnover rate of domestic violence cases in all basic prosecution offices during 2021 is:

$$\text{Case turnover rate} = \frac{2407}{1372} = 1.75\%$$

The ideal case turnover rate should be at least 1, which means that the system clears as many cases as it receives during the year and has not transferred any cases for the next year. Whereas, in this case the turnover rate is slightly higher than 1, which means that in this case there is a small difference compared to the ideal turnover rate.

The turnover rate of domestic violence cases during 2021 in each of the seven basic prosecution offices is presented in the table below.

PROSECUTION OFFICES OF
THE REPUBLIC OF KOSOVO:

$$\text{Case turnover \%} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$
















	Basic Prosecution in Prishtina	$\frac{563}{991} = 0.56\%$	
	Basic Prosecution in Prizren	$\frac{328}{11} = 29.81\%$	
	Basic Prosecution in Peja	$\frac{663}{113} = 5.86\%$	
	Basic Prosecution in Gjilan	$\frac{210}{5} = 42\%$	
	Basic Prosecution in Mitrovica	$\frac{221}{151} = 1.46\%$	
	Basic Prosecution in Ferizaj	$\frac{217}{6} = 36.16\%$	
	Basic Prosecution in Gjakova	$\frac{205}{95} = 2.15\%$	
TOTAL:		$\frac{2407}{1372} = 1.75\%$	

TABLE 4. The turnover rate of domestic violence cases during 2021 in the seven basic prosecution offices.

According to the data presented in the table above, it results that the highest turnover rate of domestic violence cases in 2021 has been reached by:

- THE BASIC PROSECUTION OF GJILAN **↑(42%)**, which has managed to clear 210 cases of domestic violence, while only 5 cases have been transferred for 2022.

While the lowest turnover rate of cases was reached by:

- THE BASIC PROSECUTION OF PRISHTINA **↓(0.56%)**, which has managed to clear 563 cases of domestic violence, while 991 have been transferred for 2022.

4.4 Case disposition time

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the case disposition time, which is calculated in two steps.

First, the number of cases resolved during the reporting period is divided by the number of unresolved cases at the end of the reporting period, known as the case turnover rate.¹¹

Second, this case turnover rate is divisible by 365, so the indicator of the case disposition time can be expressed by the number of days, which CEPEJ suggests simplifies the understanding of the relationship between the number of resolved cases during the reporting period and the number of cases pending (transferred cases).¹²

Based on the case turnover rate, the duration of case disposition time according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated as follows:

$$\text{Case disposition time} = \frac{365}{\text{case turnover rate}}$$

So the number 365 is the number of days within a year, which is divided by the case turnover rate of the seven basic prosecution offices for 2021.

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the disposition time of cases which had remained unresolved during this period.

The disposition time of cases which have remained unresolved during 2021 in each basic prosecution office separately is presented in the table below.

¹¹ For more, see: https://ec.europa.eu/info/sites/default/files/file_import/european-semester-thematic-factsheet-effective-jus-tice-systems_en_0.pdf

¹²

BASIC PROSECUTION OFFICES OF THE REPUBLIC OF KOSOVO:

$$\text{Case disposition time} = \frac{365}{\text{case turnover ratio}}$$















	Basic Prosecution in Prishtina	$\frac{365}{0.56} = 651$	
	Basic Prosecution in Prizren	$\frac{365}{29.81} = 12$	
	Basic Prosecution in Peja	$\frac{365}{5.86} = 62$	
	Basic Prosecution in Gjilan	$\frac{365}{42} = 9$	
	Basic Prosecution in Mitrovica	$\frac{365}{1.46} = 250$	
	Basic Prosecution in Ferizaj	$\frac{365}{36.16} = 10$	
	Basic Prosecution in Gjakova	$\frac{365}{2.15} = 170$	

TABLE 5.

Disposition time of domestic violence cases that have not been resolved during 2021 in the seven basic prosecution offices.

According to the table presented above, it turns out that the shortest time for resolving cases of domestic violence that had remained unresolved this year was needed by:

- THE BASIC PROSECUTION OF GJILAN (**9 DAYS**), which had transferred only 5 cases of domestic violence for 2022.

While, longer time to resolve cases of domestic violence was needed for:

- THE BASIC PROSECUTION OF PRISHTINA (**651 DAYS**), which had transferred 991 cases of domestic violence for 2022.

4.5 Index of accumulated cases

One of the main problems reported in the justice system in Kosovo is the large number of cases accumulated over the years. Prosecutions, like the courts, continue to face old cases that become a heavy burden, which are carried year after year.

The length of handling of cases and the large number of cases transferred increases the distrust of citizens in justice institutions, as they have to wait for years for the system to deal with their cases and deliver justice to them.

So the key indicator of the performance of prosecutions is the index of accumulated cases. This indicator is determined by the number of unresolved cases at the beginning of the reporting period, divided by the number of resolved cases during the reporting period.

The index of collected cases, through the methodology of the European Commission for the Efficiency of Justice is expressed through this formula:

$$\text{Index of accumulated cases} = \frac{\text{Inherited cases (PS)}}{\text{resolved cases (R)}}$$

Consequently, according to this formula, the index of accumulated cases of the seven basic prosecution offices is:

$$\text{Index of accumulated cases} = \frac{1113}{2407} = 0.46$$

If in this case 1113 cases would be resolved, it means that the system has solved as many cases as it has inherited, and as such the value would be 0. While in this case it means that the prosecution has solved significantly more cases than it has inherited from previous year.

The index of domestic violence cases accumulated in the seven basic prosecution offices is presented in the following table:

**BASIC PROSECUTION
OFFICES OF THE REPUBLIC
OF KOSOVO:**

$$\text{Index of accumulated cases} = \frac{\text{transferred cases (PE)}}{\text{resolved cases (R)}}$$
















	Basic Prosecution in Prishtina	$\frac{766}{563} = 1.36$	
	Basic Prosecution in Prizren	$\frac{34}{328} = 0.10$	
	Basic Prosecution in Peja	$\frac{48}{663} = 0.07$	
	Basic Prosecution in Gjilan	$\frac{3}{210} = 0.01$	
	Basic Prosecution in Mitrovica	$\frac{202}{221} = 0.90$	
	Basic Prosecution in Ferizaj	$\frac{4}{217} = 0.01$	
	Basic Prosecution in Gjakova	$\frac{56}{205} = 0.27$	
TOTAL:		$\frac{1113}{2407} = 0.46$	

TABLE 6. Index of accumulated cases during 2021 in the seven basic prosecution offices.

According to the data presented in the table above, it turns out that the lowest index of accumulated cases was reached by:

- THE BASIC PROSECUTION OF GJILAN ↓(0.01), which had inherited 3 cases from previous years, while it had solved 215 cases, as well as the Basic Prosecution of Ferizaj (0.01), which had inherited 4 cases from previous years, while it had solved 217 cases.

While the highest index of accumulated cases was reached by:

- THE BASIC PROSECUTION OF PRISHTINA ↑(1.36), which had transferred 766 cases from previous years, while it had managed to resolve only 563 cases.

4.6 Number of indictments filed (for persons) in relation to cases of domestic violence during 2021

According to the data received from the Kosovo Prosecutorial Council, the seven basic prosecution offices of the Republic of Kosovo during 2021 have filed indictments for a total of 2244 persons involved in relation to criminal offenses of domestic violence.

The number of indictments filed in relation to criminal offenses of domestic violence (for persons) by each basic prosecution during 2021, is presented in the table below.















BASIC PROSECUTION OFFICES OF THE REPUBLIC OF KOSOVO:		Number of indictments per person:	
	Basic Prosecution in Prishtina	427	
	Basic Prosecution in Prizren	355	
	Basic Prosecution in Peja	646	
	Basic Prosecution in Gjilan	216	
	Basic Prosecution in Mitrovica	179	
	Basic Prosecution in Ferizaj	226	
	Basic Prosecution in Gjakova	195	
TOTAL:		2244	

TABLE 7. Number of indictments filed for domestic violence (per person) during 2021 in the seven basic prosecution offices.

According to the table presented above, the largest number of indictments filed for persons during 2021 were from the Basic Prosecution of Peja, respectively 646 persons, followed by the Basic Prosecution of Prishtina, respectively with 427 indictments per person.








Performance of the judicial system in solving domestic violence cases during 2021



5. Performance of the judicial system in solving domestic violence cases during 2021

The courts of the Republic of Kosovo are the main authority of the institutional chain of state warfare in preventing and combating domestic violence. The results from the work of the courts could be displayed from systematic data, from the submission of cases to their meritorious clearance. This data should be processed in accordance with the appropriate methodology, in order to create an overview of the fulfillment of the mission of the judicial system in this specific area. The result derived from such processing will be a clear indicator of the clearance rate of cases and other indicators regarding the field of domestic violence.

The following are the results from the measurement indicators of the work efficiency of the Basic Courts of the Republic of Kosovo in resolving cases of domestic violence during 2021, according to the methodology of the *European Commission for Measuring the Efficiency of Justice (CEPEJ)*.

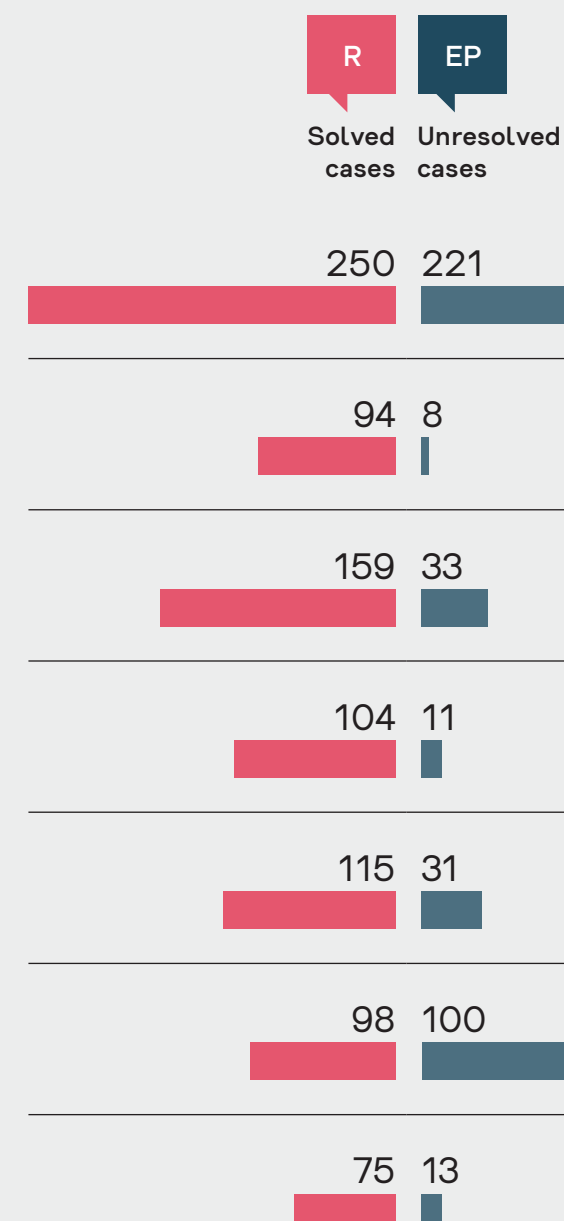
	PS Inherited cases	I New cases	CP Total cases in process
 Basic Court in Prishtina	27	444	471
 Basic Court in Gjilan	1	101	102
 Basic Court in Prizren	6	186	192
 Basic Court in Mitrovica	7	108	115
 Basic Court in Gjakova	8	138	146
 Basic Court in Peja	19	179	198
 Basic Court in Ferizaj	7	81	88

TOTAL:

75

1237

1312



895

417

TABLE 8. Overview of the performance of the first instance of the judicial system in resolving cases of domestic violence during 2021.



5.1 Influx of cases

As elaborated in the first part of this report, the influx of cases is an indicator of the system overload with cases in process and includes new cases created during the year and inherited cases, respectively carried over from previous years.

The following table shows the influx of domestic violence cases during 2021 in all basic courts of the Republic of Kosovo.








BASIC COURTS OF THE REPUBLIC OF KOSOVO		CP Cases in process	=	PS Inherited cases	+	I New cases
	Basic Court in Prishtina	471		27		444
	Basic Court in Gjilan	102		1		101
	Basic Court in Prizren	192		6		186
	Basic Court in Mitrovica	115		7		108
	Basic Court in Gjakova	146		8		138
	Basic Court in Peja	198		19		179
	Basic Court in Ferizaj	88		7		81
TOTAL:		1312		75		1237

TABLE 9. The influx of domestic violence cases in all basic courts of the Republic of Kosovo during 2021.

From this table it can be seen that the basic courts of the Republic of Kosovo during 2021 have had in process a total of **1312 cases of domestic violence**. The cases inherited from 2020, respectively **75 cases**, as well as the number of cases created during 2021, respectively **1237 cases**, have contributed to the creation of these cases.

So, expressed in percentage, on average **6%** of domestic violence cases of all courts were transferred from the previous year, while **94%** of cases were new cases created during 2021.

From the table above, it can be seen that the largest influx of domestic violence cases during 2021 was faced by:

1	<i>Basic Court in Prishtina</i>	471 cases
2	<i>Basic Court in Peja</i>	198 cases
3	<i>Basic Court in Prizren</i>	192 cases

While with the lowest influx of domestic violence cases was faced by:

1	<i>Basic Prosecution in Ferizaj</i>	88 cases
2	<i>Basic Prosecution in Gjilan</i>	102 cases
3	<i>Basic Prosecution in Mitrovica</i>	115 cases

5.2 Case clearance rate

As noted in the first part of this report, the case clearance rate is an important indicator that shows the performance of the system in resolving cases expressed in percentage, as well as indicates the working capacity of the respective system.

The case clearance rate does not include the number of inherited cases, but only the number of new cases created during the year. This number is divided by the number of cases solved during the respective year.

As explained in the first part, the case clearance rate according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case clearance rate\%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$

Consequently, the average resolution rate of domestic violence cases in 2021 in all basic courts of the Republic of Kosovo was:

$$\text{Case clearance rate} = \frac{895}{1237} \times 100 = 72\%$$

According to this formula, where the number of domestic violence cases resolved during 2021 was 895 cases, while the number of new cases created during the year was 1237 cases, the rate of resolved cases during 2021 was 72%. So the first instance of the judicial system in 2021 has managed to resolve 342 less cases than it received in 2021, therefore this is reflected in this low rate of resolved cases.

The following table shows the domestic violence case clearance rate in each of the basic courts of the Republic of Kosovo.

BASIC COURTS OF THE
REPUBLIC OF KOSOVO

$$\text{Case clearance rate\%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$








	Basic Court in Prishtina	$\frac{250}{444} \times 100 = 56\%$	<div><div></div></div>
	Basic Court in Gjilan	$\frac{94}{101} \times 100 = 93\%$	<div><div></div></div>
	Basic Court in Prizren	$\frac{159}{186} \times 100 = 85\%$	<div><div></div></div>
	Basic Court in Mitrovica	$\frac{104}{108} \times 100 = 96\%$	<div><div></div></div>
	Basic Court in Gjakova	$\frac{115}{138} \times 100 = 83\%$	<div><div></div></div>
	Basic Court in Peja	$\frac{98}{179} \times 100 = 55\%$	<div><div></div></div>
	Basic Court in Ferizaj	$\frac{75}{81} \times 100 = 93\%$	<div><div></div></div>
TOTAL:		$\frac{895}{1237} \times 100 = 72\%$	<div><div></div></div>

TABLE 11. Clearance rate of domestic violence cases in all basic courts of the Republic of Kosovo during 2021.

From this table it can be seen that the highest domestic violence case clearance rate in 2021 has been reached by:

- THE BASIC COURT OF MITROVICA **↑(96%)**, which managed to resolve 104 cases of domestic violence, while 108 cases were new cases, created during 2021.

While with the lowest domestic violence case clearance rate was achieved by:

- THE BASIC COURT OF PEJA **↓(0.56%)**, which managed to resolve 179 cases of domestic violence, while 98 of them were new cases, created during 2021.

5.3 Case turnover ratio

The case turnover rate measures the ratio between the number of resolved cases and the number of unresolved cases within a relevant period. So this rate measures the frequency with which the judicial system replaces the number of new cases. In other words, the case turnover rate measures how quickly the system (in this case the court system) handles the cases it receives - which otherwise determines how long it takes for the system to resolve a case.

The case turnover rate through the methodology of the European Commission for Measuring the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case turnover rate} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$

Consequently, the average turnover rate of domestic violence cases in 2021 in all basic courts of the Republic of Kosovo was:

$$\text{Case turnover rate} = \frac{895}{417} \times 100 = 2.14$$

The ideal case turnover rate should be at least 1, which means that the system solves as many cases as it receives during the year and has not transferred any cases for the next year.

While in this case, the judicial system has managed to resolve 895 cases, respectively 68% of all cases it has had in process, therefore it has reached this case turnover rate. Meanwhile, 417 cases of domestic violence, or 32% of cases, it has failed to resolve and transferred them for 2022.

The following table presents the rate of resolved cases of domestic violence in each of the basic courts of the Republic of Kosovo.

BASIC COURTS OF THE
REPUBLIC OF KOSOVO

$$\text{Case turnover rate} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$
















	Basic Court in Prishtina	$\frac{250}{221} = 1.13$	
	Basic Court in Gjilan	$\frac{94}{8} = 11.75$	
	Basic Court in Prizren	$\frac{159}{33} = 4.81$	
	Basic Court in Mitrovica	$\frac{104}{11} = 9.45$	
	Basic Court in Gjakova	$\frac{115}{31} = 3.70$	
	Basic Court in Peja	$\frac{98}{100} = 0.98$	
	Basic Court in Ferizaj	$\frac{75}{13} = 5.76$	
TOTAL:		$\frac{895}{417} = 2.14$	

TABLE 12. Case turnover ratio of domestic violence in all basic courts of the Republic of Kosovo during 2021.

From this table, it can be seen that the highest turnover rate of domestic violence cases in 2021 has been reached by:

- THE BASIC COURT OF GJILAN **↑(11.75)**, which managed to resolve 94 cases, while only 8 cases were transferred for 2022.

While the lowest case turnover ratio of domestic violence was has reached by:

- THE BASIC COURT OF PEJA **↓(0.98)**, which has managed to resolve only 98 cases, while it has transferred 100 cases for 2022.

5.4 Case disposition time

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the duration of the completion of cases which had remained unresolved during this period.

The duration of completion of cases according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated as follows:

$$\text{Case disposition time} = \frac{365}{\text{case turnover rate}}$$

So, as elaborated in the first part of this report, number 365 is the number of days within the reporting period, which is divided by the case turnover rate of the seven basic courts, which have reached in 2021.

The following table presents the rate of resolved cases of domestic violence in each of the basic courts of the Republic of Kosovo.

BASIC COURTS OF THE
REPUBLIC OF KOSOVO

$$\text{Case disposition time} = \frac{365}{\text{case turnover rate}}$$















	Basic Court in Prishtina	$\frac{365}{1.13} = 323$	
	Basic Court in Gjilan	$\frac{365}{11.75} = 31$	
	Basic Court in Prizren	$\frac{365}{4.81} = 76$	
	Basic Court in Mitrovica	$\frac{365}{9.45} = 39$	
	Basic Court in Gjakova	$\frac{365}{3.70} = 99$	
	Basic Court in Peja	$\frac{365}{0.98} = 372$	
	Basic Court in Ferizaj	$\frac{365}{5.76} = 63$	

TABLE 12.

Duration of completion of domestic violence cases in all basic courts of the Republic of Kosovo during 2021

According to the table presented above, it turns out that longer time for resolving cases of domestic violence that in 2021 had remained unresolved, was needed by:

- THE BASIC COURT OF PEJA (**372 DAYS**), which had transferred 100 cases for 2022, out of 198 cases it had in process.

While the shortest time for resolving cases of domestic violence was needed by:

- THE BASIC COURT OF GJILAN (**31 DAYS**), which had transferred only 8 cases for 2022, out of 102 cases it had in process.

5.5 Index of accumulated casesa

As elaborated in the first part of the report, this indicator is determined by the number of unresolved cases at the beginning of the reporting period (cases inherited from previous years), divided by the number of cases solved during the reporting period.

The index of accumulated cases, through the methodology of the European Commission for the Efficiency of Justice, is expressed through this formula:

$$\text{Index of accumulated cases} = \frac{\text{Inherited cases (PS)}}{\text{resolved cases (R)}}$$

Consequently, the average index of accumulated cases of domestic violence in all basic courts during 2021 was:

$$\text{Index of accumulated cases} = \frac{75}{895} = 0.08$$

In this case, the number of cases inherited from the previous year (75 cases) was significantly lower than the number of cases that the system was able to solve during this year (895 cases), therefore it is reflected in the low index of accumulated cases.

The following table presents the average index of accumulated cases of domestic violence in each of the basic courts of the Republic of Kosovo.

BASIC COURTS OF THE
REPUBLIC OF KOSOVO:

$$\text{Index of accumulated cases} = \frac{\text{transferred cases (inherited)}}{\text{resolved cases (R)}}$$
















	Basic Court in Prishtina	$\frac{27}{250} = 0.10$	
	Basic Court in Gjilan	$\frac{1}{94} = 0.01$	
	Basic Court in Prizren	$\frac{6}{159} = 0.03$	
	Basic Court in Mitrovica	$\frac{7}{104} = 0.06$	
	Basic Court in Gjakova	$\frac{8}{115} = 0.06$	
	Basic Court in Peja	$\frac{19}{98} = 0.19$	
	Basic Court in Ferizaj	$\frac{7}{75} = 0.09$	
TOTAL:		$\frac{75}{895} = 0.08$	

TABLE 13. Index of accumulated cases in all basic courts of the Republic of Kosovo during 2021.

In general, all basic courts of the Republic of Kosovo have achieved a low index of accumulated cases of domestic violence during this year, because this indicator is based on the number of cases inherited from previous years, and not the number of new cases, received during the year.

According to the data presented in the table above, it turns out that the lowest index of accumulated cases during 2021 was reached by:

- THE BASIC COURT OF GJILAN ↓(0.01), which had inherited only 1 case from previous years, while it had resolved 94 cases.

While the highest index of accumulated cases of domestic violence during 2021 was reached by:

- THE BASIC COURT OF PEJA ↑(0.19), which had inherited 19 cases from previous years, while it managed to resolve 98 cases.

6. Conclusion

The results of the evaluation of the work performance of the institutions of the justice system reflect the willingness, professionalism, seriousness and readiness that these institutions have in the implementation of their constitutional and legal duties, the fulfillment of the goals of the mission of the justice system and the expectations of the citizens of the Republic of Kosovo.

In this report, the measurement of the efficiency and performance of the work of the institutions of the judicial and prosecutorial system is not expanded to the analysis of qualitative coordinates of professional work, but only in the context of evaluating the norms of work performed in quantitative terms.

In this respect, the first instance of the prosecutorial system has managed to handle/resolve more than half of the cases of domestic violence that it had in process during 2021. Respectively, out of 3799 cases of domestic violence that they had in process in seven basic prosecution offices during 2021, they have managed to handle/resolve 2407 cases, or 63% of all cases of domestic violence that they had in process during 2021.

One of the main challenges that the justice system is facing with, and in particular the prosecutorial system, is the transfer of a large number of cases from year to year. Such a situation does not seem to be improving, and it is even getting worse. This is because the number of cases of domestic violence transferred (inherited) from previous years by the seven basic prosecutions for 2022 has increased by 2.15%, compared to the number of cases inherited for 2021. In other words, in 2021, 1113 cases were transferred from previous years, while 1372 cases were transferred for 2022.

The largest workload of domestic violence cases during this period was by the Basic Prosecution of Prishtina, which had 1554 cases in process, while it managed to resolve/handle 563 of them, respectively 36%.

Meanwhile, during 2021 the first instance of the judicial system, which out of 1312 total cases of domestic violence it had in process, managed to resolve only 895 cases, or 68% of all cases of domestic violence.

The Basic Court of Prishtina had the largest workload of domestic violence cases, with a total of 471 cases in process, while the highest rate of resolved cases in 2021 was reached by the Basic Court of Gjilan, which out of 102 cases of domestic violence that it had in process, managed to solve 94 of them, respectively 92% of all cases it had in process during this year.

The number of cases of domestic violence transferred for 2022 by the seven basic courts is significantly higher than the number of cases transferred from previous years to 2021. Respectively, from previous years, only 75 cases of domestic violence were transferred to 2021, while 417 cases have been transferred for 2022.

So, if we take into account the general statistical data, it turns out that the first instance of the judicial and prosecutorial system of Kosovo has managed to solve more than half of the cases of domestic violence that it had in process during 2021, but this fact is not a positive indicator of commitment and seriousness in combating domestic violence.

7. Recommendations

Making the connection between the conclusions of this report and the intention to increase the efficiency of the work of the State Prosecutor's Institution and the judicial system, FOL Movement gives the following recommendations:

Address cases of domestic violence by the Kosovo judicial and prosecutorial system with urgency and absolute priority;

Create a database by the Kosovo Judicial Council which would incorporate data on the number of domestic violence cases inherited from previous years, the number of resolved cases and those pending to be solved, in the same way as statistics in relation to corruption offenses;

Assess on a regular basis – quarterly or semi-annually the level of resolution of domestic violence cases by both systems, in order to improve the efficiency and performance of resolving these cases;

Establish separate units in other basic prosecution offices that would deal specifically with cases of domestic violence, such as the Domestic Violence Unit in the Basic Prosecution Office in Prishtina;

Periodically publish statistical data on the official website of the Kosovo Judicial Council and Prosecutorial Council regarding the number of domestic violence cases created and resolved during the relevant period;

Intensify the cooperation of the Ministry of Justice/Office of the National Coordinator Against Domestic Violence with other relevant institutions in order to strengthen efforts to implement the Law on Protection from Domestic Violence.

