

# FOL

## Performance of the prosecutorial and judicial system in the fight against domestic violence during 2022

STATISTICAL ANALYSIS



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\*The content of this report is solely the responsibility of the FOL Movement and does not necessarily reflect the views of the U.S. Department of State."

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# 1. Introduction

Domestic violence undoubtedly constitutes a serious legal and moral offense that should receive the harshest response from society and state institutions. Social commitment in the direction of protection from these acts should be the vital minimum in terms of preserving and watering the pure values of democratic and contemporary societies. The actions of society should be translated into appropriate legal norms in the comprehensive fight against domestic violence.

Based on various studies, despite the high level of prevalence of this phenomenon, domestic violence is one of the most widespread forms of crime in Kosovar society. Therefore, the creation of new mechanisms and the strengthening of existing ones is necessary to combat this phenomenon. The legal and institutional framework in this field is mainly in line with that of the European Union and international standards, but its implementation remains challenging.

Despite the high level of prevalence of this phenomenon, domestic violence remains one of the most underreported crimes in our society. According to reports and studies by various civil society organizations in Kosovo, many women still consider domestic violence in Kosovo to be a private matter, and therefore, 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 their partner, while one in ten women has experienced sexual violence or other sexual violence acts in their lifetime.<sup>1</sup>

Domestic violence is provided for in Article 248 of the Criminal Code of the Republic of Kosovo, specifically in the last article of Chapter XXI of this code (Criminal offenses against marriage and family). According to these provisions, anyone who commits violence or physical, psychological or economic abuse with the aim of violating the dignity of the other person within a family relationship, is punished with a fine and up to 3 years in prison.<sup>2</sup> Moreover, when any offense in the Criminal Code is committed within a family relationship, it shall be considered an aggravating circumstance.

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<sup>1</sup> For more, see: [http://www.kipred.org/repository/docs/Qasja\\_n%C3%AB\\_drejt%C3%AB-si\\_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](http://www.kipred.org/repository/docs/Qasja_n%C3%AB_drejt%C3%AB-si_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)

<sup>2</sup> Code No. 06/I-074, Criminal Code of the Republic of Kosovo, article 248, paragraph. 1

It should be emphasized that the old Criminal Code of the Republic of Kosovo<sup>3</sup>, which has now been abolished, did not provide for domestic violence as a separate criminal offense. Perpetrators of these offenses at that time were charged with other criminal offenses provided for in the Criminal Code, in a serious form, such as: *Threat (Article 185); Coercion (Article 186); Assault (Article 187); Light bodily harm (Article 188); Serious bodily harm (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 report the preparation of criminal offenses (Article 385); and providing assistance to the perpetrators after the commission of criminal offenses (Article 388).*

According to the European Commission's Progress Report for Kosovo for the year 2022, 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 field is mainly in line with EU and international standards. However, according to the report, criminal prosecution and effective adjudication of cases (including the imposition of appropriate sanctions) remain limited.

The report highlights that positive changes have been made during this period, but more needs to be done to address the recommendations given in the previous report. Among other things, the report states: “[...] Kosovo showed commitment in addressing gender equality issues by further implementing the Law on Gender Equality in the recruitment process in the public administration and improving inter-institutional coordination to combat gender-based violence, including adopting a new strategy and action plan against domestic violence and violence against women...”.

According to the European Commission, fundamental rights issues should be more prominent on the political agenda. The report also highlights the need for more effort to address the recommendations from the 2021 report, which are still applicable. The report adds that: “[...] In the coming year, Kosovo must in particular: establish a sustainable mechanism for coordinating and monitoring legislation, strategies and policies on fundamental rights; strengthen the implementation of existing instruments; adopt a functional system for measuring and reporting on the implementation of the Human Rights Program and Action Plan; and adopt implementing regulations arising from the new Law on Child Protection; adopt the new Civil Code.”<sup>4</sup>

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<sup>3</sup> Criminal Code of the Republic of Kosovo, No. 04/L-082 (repealed).

<sup>4</sup> COMMISSION STAFF WORKING DOCUMENT, Kosovo\* 2022 Report

## 2. Methodology

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

The report is based on official statistical data provided by the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) for the year 2022, while for measuring the performance of these institutions based on these official statistics, FOL has used the methodology of the European Commission for the Efficiency of Justice (CEPEJ).<sup>5</sup>

All statistics presented in this report cover only one group of criminal offenses, specifically the criminal offenses under article 248 of the Criminal Code of the Republic of Kosovo, namely domestic violence offenses. These statistics include only criminal offenses with known perpetrators (PP)..

The effectiveness of the seven Basic Prosecution Offices (Prishtina, Mitrovica, Peja, Prizren, Gjilan, Ferizaj, Gjakova), on one hand, and the seven basic courts of Kosovo, on the other hand, have been part of the performance measurement and monitoring in this report. This measurement does not include the quality of cases and their resolution, the quality of work of prosecutors and judges, the quality of service of the administration or the integrity and professionalism of prosecutors and judges, but only the numerical (quantitative) analysis of their resolution.

The fields on which FOL has relied for measuring the performance of the prosecution and judiciary are as follows: 1) case flow; 2) case clearance rate; 3) case turnover rate; 4) duration of case trials; and 5) backlog index of cases.

In the first part of the report, the performance of the prosecutorial system in resolving domestic violence cases has been measured through indicators of the European Commission for the Efficiency of Justice (CEPEJ) both in general and for each prosecutor's office separately.

While in the other part, the performance of the judicial system in resolving cases of domestic violence has been analyzed through the CEPEJ methodology, also at a general level and for each individual court, as well as the number and type of decisions issued by the courts.

This is the second report on the statistical analysis of domestic violence offenses using the CEPEJ methodology carried out by FOL Movement<sup>6</sup>, while such measurements for corruption offenses using the CEPEJ methodology have been carried out by FOL in the past and will continue periodically in the coming months..<sup>7</sup>

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<sup>5</sup> The European Commission for the Efficiency of Justice (CEPEJ) is the body of the Council of Europe, which tries to improve the efficiency and functioning of justice in the member states and to develop and implement the practical instruments approved by the Council of Europe for this purpose. It should be noted that the report of the FOL Movement is not authorized by the Council of Europe and that the formulas, even though they are identical, are not official.

<sup>6</sup> Beyond numbers, the performance of the judicial and prosecutorial system in solving domestic violence cases during 2021.

<sup>7</sup> For more, see: Performance of the Prosecutor's Office in the Fight Against Corruption 2017; Performance of the Prosecutor's Office

### 3. Executive summary

Measuring the performance of the bodies of the justice system is necessary in analyzing the systemic and functional interaction, where through the data presented, the concrete factors of the functioning or structural and organizational dysfunction of the justice system are identified. By the performance of the prosecutor's offices and courts, we mean the results achieved during the process of performing actions and tasks.

Measuring the quality performance essentially does not only imply obtaining statistical figures, but it aims to objectively evaluate the work of prosecutors and courts in the Republic of Kosovo. Only through a continuous analysis and evaluation methodology of the justice system can shortcomings be found that must inevitably be improved.

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

- The average rate of resolution of domestic violence cases in the seven Basic Prosecution Offices in the Republic of Kosovo for 2022 is 101%, indicating that the number of cases resolved during this period was higher than the number of new cases received during the year. While the average rate of resolution of domestic violence cases in all basic courts during 2022 was 80%, indicating that the number of cases resolved during this period (961 cases) was significantly lower than the number of new cases created during the year (1,191 cases).
- The carrying of a large number of cases from year to year continues to remain challenging in the justice system institutions. In 2022, in the seven Basic Prosecution Offices in the Republic of Kosovo, a total of 1,372 domestic violence cases from previous years were carried over, accounting for 44% of all cases in progress. While in the basic courts of the Republic of Kosovo in 2022, 417 domestic violence cases from previous years were carried over, or 26% of the cases in progress in 2022.
- The average rate of turnover of cases in the seven Basic Prosecution Offices during this period was 2.25, which is based on the fact that the number of cases resolved during this period was significantly greater in relation to the cases that remained unresolved, which were transferred to the year 2022. While the average rate of turnover of cases in the seven basic courts of the Republic of Kosovo during 2022 had reached 1.48, since the number of cases resolved during this period was higher in relation to the number of cases that remained unresolved, and that have been carried over to 2022.
- The average index of backlogged cases in the seven Basic Prosecution Offices during 2022 was 0.45, resulting from the fact that the number of domestic violence cases inherited from previous years (1,372 cases) was lower compared to the number of cases resolved during the year (3,154



cases). Meanwhile, the index of backlogged cases in the basic courts of Kosovo was significantly lower, at 0.43, due to the lower number of cases inherited from previous years (417 cases) compared to the number of cases resolved during the year (961 cases).

- The Basic Prosecution Office of Prishtina faced the largest flow of domestic violence cases during 2022, which had 1,877 cases in progress. Meanwhile, the prosecutor's office with the lowest flow of domestic violence cases during 2022 was the Basic Prosecution Office of Gjilan, which had a total of 244 domestic violence cases in progress. While also in the basic courts of the Republic of Kosovo, the Basic Court of Prishtina faced the largest flow of domestic violence cases, with 717 cases, while the Basic Court of Ferizaj faced the lowest flow of these cases, with a total of 70 cases of domestic violence in progress.
- According to overall statistics provided by the Kosovo Prosecutorial Council (KPC), the prosecutor's office that achieved the best results in resolving cases of domestic violence during this period is the Basic Prosecution Office of Gjilan, which during this period achieved the highest average turnover rate of cases (243), the lowest index of backlogged cases (0.02), and the shortest time required to resolve cases that had remained unresolved this year (2 days). In other words, out of 244 domestic violence cases handled by this prosecutor's office, they were able to resolve 243 cases or 99.5% of all domestic violence cases they had during 2022, with only one case carrying over to 2023.
- On the other hand, the prosecutor's office with the weakest results in handling domestic violence cases during 2022 was the Prishtina Basic Prosecution Office, which out of 1,877 cases handled during 2022, was only able to resolve 1,042 cases or 56% of all cases they had. This prosecutor's office achieved the highest index of accumulated cases (0.95) during this period, as well as the longest time required to resolve cases that had remained unresolved this year (294 days).
- According to the overall data provided by the Kosovo Judicial Council (KJC), the best results in resolving domestic violence cases during 2022 were also achieved by the Basic Court in Gjilan, which during this period achieved the lowest index of backlogged cases (0.06) and the shortest time required to resolve cases that had remained unresolved this year (125 days). In other words, out of 153 domestic violence cases handled by this court, they were able to resolve 116 cases or 74% of all cases they had during 2022.
- On the other hand, the court with the weakest results in resolving domestic violence cases was the Basic Court in Ferizaj, which during this period had 70 cases and was only able to resolve 35 of them, or only 50% of the cases. This court achieved the lowest rate of case resolution (61%), as well as the longest time required to resolve cases that had remained unresolved this year (365 days).

## **4. Performance of the prosecutorial system in handling cases of domestic violence during 2022**

The good performance of prosecutors in handling cases of domestic violence, which means the efficiency in pursuing persons involved in these criminal acts, implies full respect for laws and priorities set by the Prosecutorial Council.



## 4. Performance of the prosecutorial system in handling cases of domestic violence during 2022

Analyzing the performance of the prosecutor's offices in handling cases of domestic violence is a necessary step in assessing institutional efforts and expecting results in combating this phenomenon. Achieving a satisfactory level of institutional actions in preventing and combating domestic violence is best reflected 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 prosecutors in handling cases of domestic violence, we can contribute to the overall picture of the fight against this phenomenon. The good performance of prosecutors in handling cases of domestic violence, which means the efficiency in pursuing persons involved in these criminal acts, implies full respect for laws and priorities set by the Prosecutorial Council.

The report presents the performance indicators of the seven Basic Prosecution Offices in general in resolving cases of domestic violence in 2022. While the overall overview of the prosecutorial data system, on which these indicators are based, is presented in the table below.








	<b>PS</b> Inherited cases	<b>I</b> New cases	<b>LP</b> Total cases in progress	<b>R</b> Resolved cases	<b>PE</b> Unresolved cases
 Basic Prosecution in Prishtina	991	886	1,877	1,042	835
 Basic Prosecution in Gjilan	5	239	244	243	1
 Basic Prosecution in Prizren	11	344	355	331	24
 Basic Prosecution in Mitrovica	151	235	386	250	136
 Basic Prosecution in Gjakova	95	271	366	254	112
 Basic Prosecution in Peja	113	730	843	640	203
 Basic Prosecution in Ferizaj	6	269	275	252	23
<b>TOTAL:</b>	<b>1,372</b>	<b>2,974</b>	<b>4,346</b>	<b>3,012</b>	<b>1,334</b>

TABLE 1. General overview of the performance of the prosecutorial system in the resolution of domestic violence cases during 2022.

## 4.1 The flow of cases

One of the biggest challenges in managing cases efficiently and effectively by the prosecutors is the high volume of cases, or in other words, the flow of cases. The flow of cases is a basic indicator of workload and includes new cases, resolved cases, and pending cases.

The number of new cases refers to the number of cases that enter the system and require action from the prosecutors, while the number of resolved cases is the response given by the prosecutorial system, in other words, the number of cases that have been handled.<sup>8</sup>

On the other hand, pending cases are the number of cases that remain to be resolved by the prosecutor's office within a certain period of time, and such cases are carried over to the next year. The initial phase, i.e. the phase of investigation or information gathering before they are turned into criminal offenses, is not included in the analysis. The report only includes criminal offenses sent to the prosecutor's office and their handling by the prosecutorial system.

The flow of cases, according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ), is expressed through the following formula:

$$CP \text{ (cases in progress)} = PC \text{ (pending cases at the beginning of the reporting period)} + I \text{ (new cases)}$$

During the period January-December 2022, a total of **4,346 cases** related to domestic violence were in progress in the seven Basic Prosecution Offices.

**This number includes cases carried over from previous years (1,372 cases) as well as new cases created during the year (2,974 cases). In other words, on average, 32% of domestic violence cases being handled by the seven prosecutor's offices were carried over from previous years, while 68% were new cases created during the year 2022.**

The table below shows the flow of cases in each of the seven Basic Prosecution Offices during the year 2022.

<sup>8</sup> Handle and resolved can serve as substitute words for each other. For courts, the word "resolves" is used, while for the prosecutor, "handles". This is because the case in the prosecution office is not considered resolved without a court decision



$$CP \text{ (Cases in Progress)} = IC \text{ (Inherited Cases)} + I \text{ (New Cases)}$$



Basic Prosecution  
in Prishtina



$$1,877 = 991 + 886$$



Basic Prosecution  
in Gjilan



$$244 = 5 + 239$$



Basic Prosecution  
in Prizren



$$355 = 11 + 344$$



Basic Prosecution  
in Mitrovica



$$386 = 151 + 235$$



Basic Prosecution  
in Gjakova



$$366 = 95 + 271$$



Basic Prosecution  
in Peja



$$843 = 113 + 730$$



Basic Prosecution  
in Ferizaj



$$279 = 6 + 269$$

TOTAL:

$$4,346 = 1,372 + 2,974$$

TABLE 2. Flow of domestic violence cases in the seven Basic Prosecution Offices during 2022..

*According to the table presented above, it is evident that the highest flow of domestic violence cases during 2022 was faced by:*

- The office with the highest flow of domestic violence cases during 2022:
  1. *Basic Prosecution Office in Prishtina (1,877 cases);*
  2. *Basic Prosecution Office in Peja (730 cases).*
  3. *Basic Prosecution Office in Mitrovica (386 cases).*
  
- While the lowest flow of domestic violence cases was faced by:
  1. *Basic Prosecution in Gjilan (244 cases);*
  2. *Basic Prosecution in Ferizaj (275 cases);*
  3. *Basic Prosecution in Prizren (355 cases).*



## 4.2 Clearance rate

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

This indicator does not include the number of cases inherited from the previous year. Therefore, this indicator shows the performance of a prosecution office expressed as a percentage, as well as indicating the working capacity of prosecution offices in resolving new cases. The ideal clearance rate should be 100%, which means that the system resolves as many cases as it receives during the year.

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

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

The average clearance rate of domestic violence cases during 2022 in the seven basic public prosecution offices is as follows according to this formula:
















$$\text{Clearance rate \%} = \frac{3,012}{2,974} \times 100 = 101 \%$$

So according to this formula, the number of domestic violence cases resolved during 2022 was 3,012, the number of new cases received during 2022 was 2,976, and the clearance rate of domestic violence cases during 2022 was 101%.

This means that the number of new cases received during 2022 was significantly lower compared to the cases resolved during this year.

In other words, out of 4,346 domestic violence cases that were in progress during 2022 (including cases inherited from previous years and new cases created during the year), prosecution offices were able to resolve 3,012 cases, or 69% of the cases, while the remaining 1,336 cases remained unresolved and were carried over to 2023.

Meanwhile, the clearance rate of domestic violence cases in each basic public prosecution office during 2022 is presented in the table below.

		Clearance rate % = $\frac{\text{Resolved cases (R)}}{\text{New Cases (I)}} \times 100$	
	<b>Basic Prosecution Office in Prishtina</b> 	$\frac{1042}{886} \times 100 =$	<b>117%</b>
	<b>Basic Prosecution Office in Gjilan</b> 	$\frac{243}{239} \times 100 =$	<b>101%</b>
	<b>Basic Prosecution Office in Prizren</b> 	$\frac{331}{344} \times 100 =$	<b>96%</b>
	<b>Basic Prosecution Office in Mitrovica</b> 	$\frac{250}{235} \times 100 =$	<b>106%</b>
	<b>Basic Prosecution Office in Gjakova</b> 	$\frac{254}{271} \times 100 =$	<b>106%</b>
	<b>Basic Prosecution Office in Peja</b> 	$\frac{640}{730} \times 100 =$	<b>88%</b>
	<b>Basic Court in Ferizaj</b> 	$\frac{252}{269} \times 100 =$	<b>94%</b>
<b>TOTAL:</b> 		$\frac{3,012}{2,976} \times 100 =$	<b>101%</b>

**TABLE 3.** Clearance rate of domestic violence cases during 2022 in the seven basic public prosecution offices

According to the table presented above, it is evident that the highest clearance rate of domestic violence cases during 2022 has been achieved by:

- Basic Public Prosecution Office in Prishtina (117%);

While the lowest clearance rate of domestic violence cases has been faced by:

- Basic Public Prosecution Office in Peja (88%).

## 4.3 Case turnover ratio

The clearance rate measures the ratio between the number of cases resolved and the number of cases unresolved within a year. This rate measures how quickly the system replaces the number of new cases. The formula used by the European Commission for the Efficiency of Justice (CEPEJ) divides the number of cases resolved at the end of the reporting period by the number of unresolved cases, resulting in the clearance rate. In other words, the clearance rate measures how quickly the system (in this case, the prosecution) processes the cases it receives, or how long it takes for the system to resolve a case. The formula for the clearance rate through the CEPEJ methodology is as follows:








$$\text{Case Turnover Ratio} = \frac{\text{Resolved Cases (R)}}{\text{Unresolved Cases (PE)}}$$

The average turnover rate of domestic violence cases in all basic public prosecutor's offices during 2022 is:

$$\text{Case Turnover Ratio} = \frac{3,012}{1,334} = 2.25$$

The ideal clearance rate of cases should be at least 1, which means that the system is resolving as many cases as it receives during the year and is not carrying over any cases to the next year. In this case, the clearance rate is slightly higher than 1, indicating a small difference from the ideal clearance rate.

The clearance rate of domestic violence cases during 2022 in each of the seven basic public prosecutor's offices is presented in the table below.

		<b>Case Turnover Ratio</b> = $\frac{\text{Resolved Cases (R)}}{\text{Unresolved Cases (PE)}}$	
	Basic Prosecution Office in Prishtina	$\frac{1042}{835} = 1.24$	⇒
	Basic Prosecution Office in Gjilan	$\frac{243}{1} = 243$	→
	Basic Prosecution Office in Prizren	$\frac{331}{24} = 13.70$	⇒
	Basic Prosecution Office in Mitrovica	$\frac{250}{136} = 1.83$	⇒
	Basic Prosecution Office in Gjakova	$\frac{254}{112} = 2.26$	⇒
	Basic Prosecution Office in Peja	$\frac{640}{203} = 3.15$	⇒
	Basic Prosecution Office in Ferizaj	$\frac{252}{23} = 10.95$	⇒
<b>TOTAL:</b>		$\frac{3,012}{1,334} = 2.25$	⇒

**TABLE 4.** Case Turnover Ratio of domestic violence cases during the year 2022 in seven basic prosecution offices.

According to the data presented in the table above, it appears that the highest Case Turnover Ratio of domestic violence cases in 2022 was achieved by:

- Basic Prosecution Office in Gjilan (243)

While the lowest Case Turnover Ratio was achieved by:

- Basic Prosecution Office in Prishtina (1.24).

## 4.4 Disposition time

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

Firstly, the number of cases resolved during the reporting period is divided by the number of unresolved cases at the end of the reporting period, which is known as the Case Turnover Ratio.<sup>9</sup>

Secondly, this turnover ratio is divided by 365, so that the indicator of the duration of case resolution can be expressed in the number of days, for which CEPEJ suggests simplifying the understanding of the relation between the number of cases resolved during the reporting period and the number of cases that are expected to be resolved (carried over cases).<sup>10</sup>

Based on the case turnover ratio, the duration of case completion according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated in this way:

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

So the number 365 is the number of days in a year, which is divided by the case turnover ratio of the seven Basic Prosecution Offices for the year 2022.








The European Commission for the Efficiency of Justice (CEPEJ) requests that the justice system report an indicator of the time required to finalize cases that had remained unresolved during that period.

The time required to finalize the cases that had remained unresolved during the year 2022 in each individual Basic Prosecution Office is presented in the following table.

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<sup>9</sup>

<sup>10</sup> Ibid.

		365	
		<i>Case disposition time= (case turnover ratio)</i>	
	<b>Basic Prosecution Office in Prishtina</b>	$\frac{365}{1.24} = \mathbf{294}$	
	<b>Basic Prosecution Office in Gjilan</b>	$\frac{365}{243} = \mathbf{2}$	
	<b>Basic Prosecution Office in Prizren</b>	$\frac{365}{13.70} = \mathbf{26}$	
	<b>Basic Prosecution Office in Mitrovica</b>	$\frac{365}{1.83} = \mathbf{199}$	
	<b>Basic Prosecution Office in Gjakova</b>	$\frac{365}{2.26} = \mathbf{162}$	
	<b>Basic Prosecution Office in Peja</b>	$\frac{365}{3.15} = \mathbf{115}$	
	<b>Basic Prosecution Office in Ferizaj</b>	$\frac{365}{10.95} = \mathbf{33}$	

**TABLE 5.** Duration of resolution of cases that were unresolved during the year 2022 in seven basic prosecution offices.

According to the table presented above, it appears that the shortest time for resolving cases of domestic violence that were unresolved in this year is needed by:

- The Basic Prosecution Office in Gjilan (2 days);

While the longest time for resolving cases of domestic violence is needed by:

- The Basic Prosecution Office in Prishtina (294 days).

## 4.5 Backlogged cases index

One of the main problems reported in the justice system in Kosovo is the large number of backlogged cases over the years. Prosecution offices, just like courts, continue to deal with old cases that become a heavy burden and are carried over year after year.

The prolongation of case processing and the large number of pending cases increase citizens' distrust in the justice institutions, as they have to wait for years for the system to handle their cases and deliver justice for them.

Therefore, a key performance indicator for prosecution offices is also the backlogged cases index. This indicator is determined by the number of unresolved cases at the beginning of the reporting period, divided by the number of cases resolved during the reporting period.

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

$$\text{Index of Backlogged cases} = \frac{\text{Inherited Cases (PS)}}{\text{(Resolved Cases (R))}}$$

Consequently, according to this formula, the index of backlogged/ accumulated cases of the seven basic prosecutions is:

$$\text{Index of Backlogged cases} = \frac{1,372}{3,012} = 0.45$$

If in this case 1,374 cases were resolved, it means that the system has resolved as many cases as it inherited, and as such, the value would be 0. However, in this specific case, it is implied that the prosecutor's office has resolved significantly more cases than it inherited from the previous year.

The index of accumulated domestic violence cases in the seven Basic Prosecution Offices is presented in the following table:



$$\text{Index of backlogged cases} = \frac{\text{carried over cases (inherited)}}{\text{Resolved Cases(R)}}$$
















	Basic Prosecution Office in Prishtina	$\frac{991}{1,042}$	= <b>0.95</b>	
	Basic Prosecution Office in Gjilan	$\frac{5}{243}$	= <b>0.02</b>	
	Basic Prosecution Office in Prizren	$\frac{11}{331}$	= <b>0.03</b>	
	Basic Prosecution Office in Mitrovica	$\frac{151}{250}$	= <b>0.60</b>	
	Basic Prosecution Office in Gjakova	$\frac{95}{254}$	= <b>0.37</b>	
	Basic Prosecution Office in Peja	$\frac{113}{640}$	= <b>0.17</b>	
	Basic Prosecution Office in Ferizaj	$\frac{6}{252}$	= <b>0.02</b>	
<b>TOTAL:</b>		$\frac{1,372}{3,012}$	= <b>0.45</b>	

TABLE 6.

Index of Backlogged Cases during the year 2022 in seven Basic Prosecution Offices.

According to the data presented in the table above, it appears that the highest index of backlogged cases is held by:

- The Basic Prosecution Office in Prishtina (0.95);

While the lowest index of backlogged cases is held by:

- The Basic Prosecution Offices in Gjilan and Ferizaj (0.02).

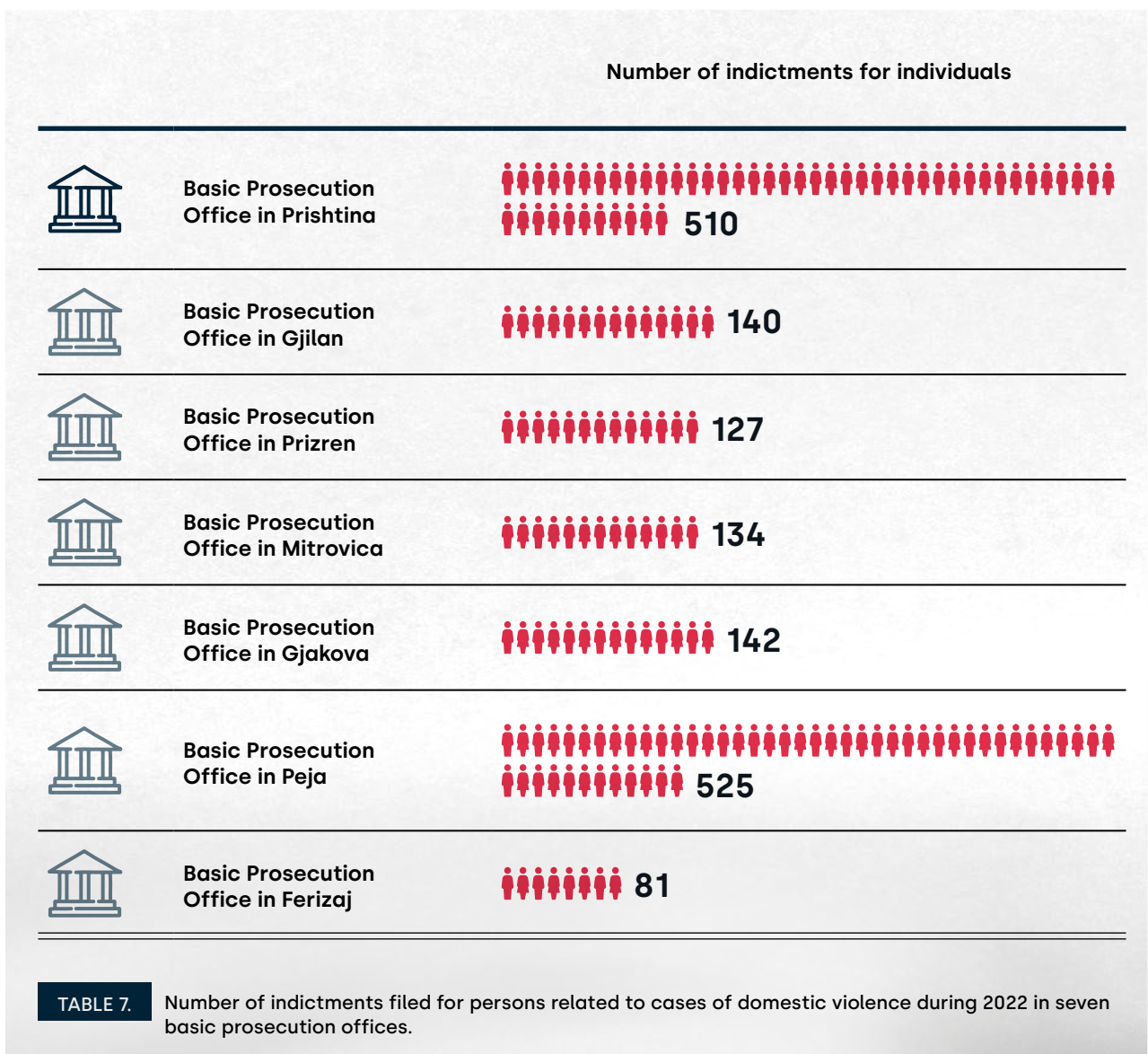


## 4.6 Number of indictments filed against persons in relation to cases of domestic violence during the year 2022

According to data provided by the Kosovo Prosecutorial Council, the seven Basic Prosecution Offices have filed a total of 1,659 indictments against individuals involved in domestic violence cases during 2022.

The highest number of indictments against individuals filed in 2022 were by the Basic Prosecution Office in Prishtina, with 510 individuals, followed by the Basic Prosecution Office in Peja, with 525 indictments against individuals.

The number of indictments filed against individuals in relation with domestic violence offenses by each Basic Prosecution Office during 2022 is presented in the table below.










## **5. The performance of the judicial system in resolving cases of domestic violence during 2022**

## 5. The performance of the judicial system in resolving cases of domestic violence during 2022.

The courts of the Republic of Kosovo are the main authority of the institutional chain of the state struggle in the prevention and fight against domestic violence. The results from the work of the courts could be reflected in the systematic data, from the acceptance of cases to their meritorious solution. These data would have to be processed in accordance with the adequate methodology, in order to create a general overview of the fulfillment of the mission of the judicial system in this specific field. The result derived from such processing will be a clear indicator of the case clearance ratio and other indicators in the field of domestic violence.

In the following, the report presents the results from the performance measurement indicators of the work of the courts of the Republic of Kosovo in resolving cases of domestic violence during 2022 according to the methodology of the *European Commission for the Efficiency of Justice (CEPEJ)*.

Meanwhile, the overall overview with the data of the judicial system in 2022, on which these indicators are based, is presented in the table below.

	<b>PS</b> Inherited cases	<b>I</b> New cases	<b>LP</b> Total cases in process	<b>R</b> Resolved cases	<b>PE</b> Unresolved cases
 Basic Court in Prishtina	221	496	717	398	319
 Basic Court in Gjilan	8	148	156	116	40
 Basic Court in Prizren	33	137	170	116	54
 Basic Court in Mitrovica	11	73	84	61	23
 Basic Court in Gjakova	31	93	124	83	41
 Basic Court in Peja	100	187	287	152	135
 Basic Court in Ferizaj	13	57	70	35	35
<b>TOTAL: 417</b>	<b>1,191</b>	<b>1,608</b>	<b>961</b>	<b>647</b>	

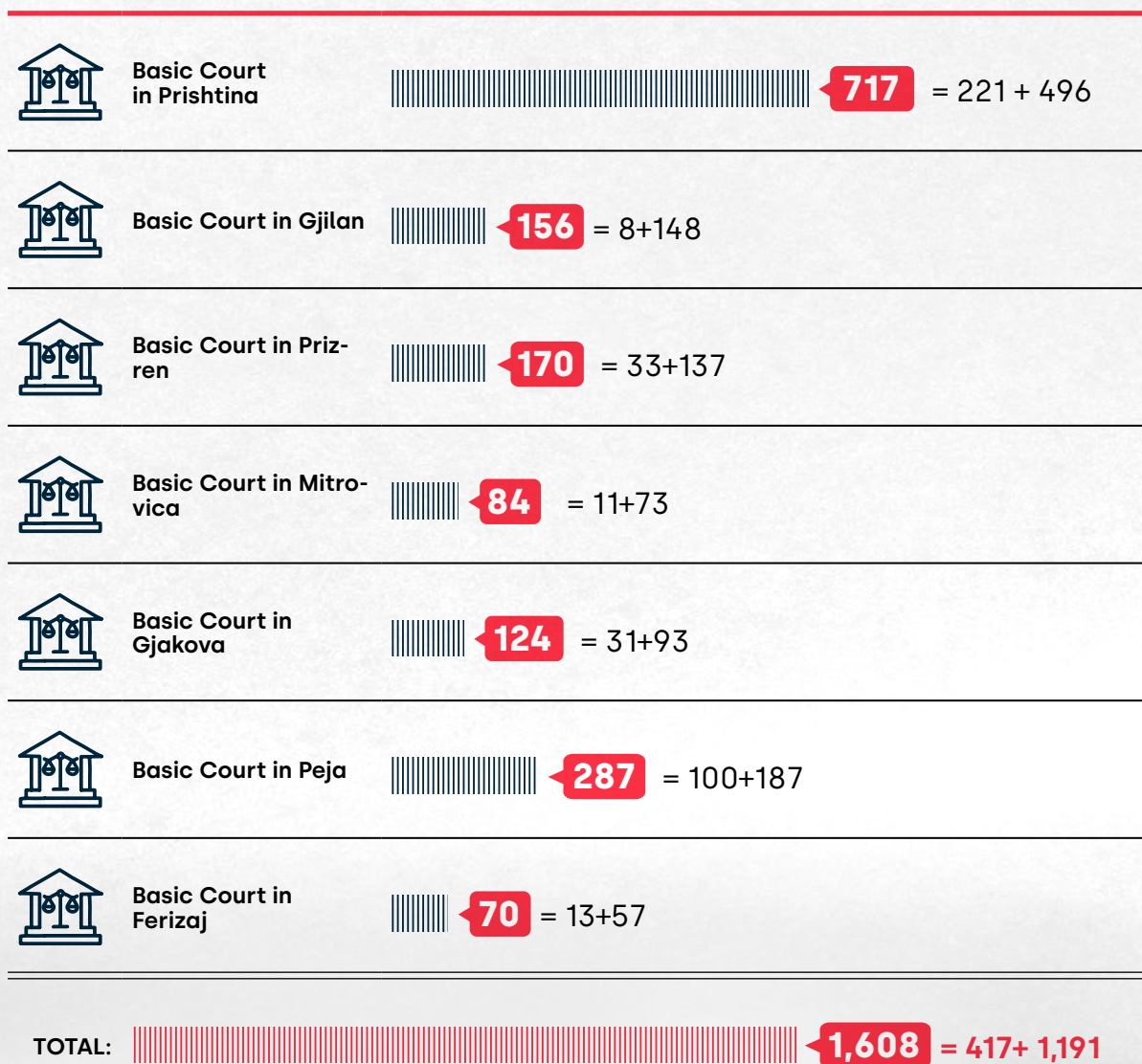
**TABLE 8.** Overview of the performance of the judicial system in resolving domestic violence cases during 2022

## 5.1 The flow of cases

The flow of cases, as explained in the first part of this report, is an indicator of the workload of the system with cases and includes both new cases created during the year and inherited cases, respectively carried over from the previous year.

The flow of domestic violence cases in all basic courts of the Republic of Kosovo is shown in the table below.

$$LP \text{ (Cases in process)} = PS \text{ (Inherited Cases)} + I \text{ (New Cases)}$$



**TABLE 9.** Flow of domestic violence cases in all basic courts of the Republic of Kosovo during 2022.



From this table, it can be seen that the Basic Courts of the Republic of Kosovo have dealt with a total of 1,608 cases of domestic violence. These cases include the inherited cases from 2021, which were 417, and the cases created during 2022, which were 1,191.

Therefore, expressed as a percentage, on average, 26% of all domestic violence cases in all courts were carried over from the previous year, while 74% were new cases created during 2022.

The case flow is a basic indicator of workload and includes new cases, inherited cases, resolved cases, and cases pending resolution.

- The courts that have dealt with the highest flow of domestic violence cases during 2022 are:
  1. *Basic Court in Prishtina (717 cases)*
  2. *Basic Court in Peja (287 cases)*
  3. *Basic Court in Prizren (170 cases)*
  
- While the courts that have dealt with the lowest flow of domestic violence cases are:
  1. *Basic Court in Ferizaj (70 cases)*
  2. *Basic Court in Mitrovica (84 cases)*
  3. *Basic Court in Gjakova (124 cases).*

## 5.2 Clearance rate

As emphasized in the first part of this report, the clearance rate is an important indicator that shows the performance of the system in resolving cases expressed as a percentage, as well as indicating the working capacity of the relevant system.

The clearance rate does not include the number of inherited cases, but only the number of new cases created during the year.

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

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








As a result, according to this formula, the average clearance rate of domestic violence cases in all basic courts of the Republic of Kosovo in 2022 was:

$$\text{Case clearance rate \%} = \frac{961}{1,191} \times 100 = 80 \%$$

According to this formula, where the number of domestic violence cases resolved during 2022 was 961 cases, and the number of new cases created during the year was 1,191 cases, the rate of cases resolved during 2022 was 81% in all basic courts of the Republic of Kosovo. Therefore, the first instance court system in 2022 was able to resolve 230 cases less than it received, which is reflected in this low rate of case resolution.

The table below shows the rate of resolution of domestic violence cases in each of the basic courts of the Republic of Kosovo.

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

	Basic Court in Prishtina	$\frac{398}{496} \times 100 = 80\%$
	Basic Court in Gjilan	$\frac{116}{148} \times 100 = 78\%$
	Basic Court in Prizren	$\frac{116}{137} \times 100 = 85\%$
	Basic Court in Mitrovica	$\frac{61}{73} \times 100 = 84\%$
	Basic Court in Gjakova	$\frac{83}{93} \times 100 = 89\%$
	Basic Court in Gjakova	$\frac{152}{187} \times 100 = 81\%$
	Basic Court in Ferizaj	$\frac{35}{57} \times 100 = 61\%$
<b>TOTAL:</b>		$\frac{961}{1,191} \times 100 = 80\%$

**TABLE 9.** Rate of resolution of domestic violence cases in all the basic courts of the Republic of Kosovo in 2022.

From this table it can be seen that the highest rate of resolution of domestic violence cases in 2022 was achieved by:

- Basic Court in Gjakova (89%);

While the lowest rate of resolution of cases was achieved by:

- Basic Court in Ferizaj (61%).



## 5.3 Case turnover ratio

The case turnover ratio measures the relation between the number of resolved cases and the number of unresolved cases. This rate measures the frequency at which the judicial system replaces the number of new cases. In other words, the case turnover ratio measures how quickly the system (in this case, the judicial system) handles the cases it receives - which can be translated into how much time it takes for the system to resolve a case.

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

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

As a result, according to this formula, the average case turnover ratio of domestic violence cases in all basic courts of the Republic of Kosovo in 2022 was:

$$\text{Case turnover ratio} = \frac{961}{647} = 1.48$$




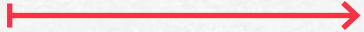









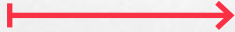
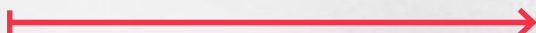
The ideal case turnover ratio should be at least 1, meaning that the system solves as many cases as it receives during the year and does not carry any cases over to the next year.

However, in this specific case, the judicial system managed to resolve 961 out of 1,608 cases that were brought to its attention, or 60% of all cases it received, achieving this case turnover ratio. On the other hand, 647 cases of domestic violence, or 40% of cases, were not resolved and were carried over to 2023.

The table below shows the rate of resolution of domestic violence cases in each of the basic courts of the Republic of Kosovo.

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


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	Basic Court in Prishtina	$\frac{398}{319} = 1.24$	
	Basic Court in Gjilan	$\frac{116}{40} = 1.07$	
	Basic Court in Prizren	$\frac{116}{54} = 1.15$	
	Basic Court in Mitrovica	$\frac{61}{23} = 0.25$	
	Basic Court in Gjakova	$\frac{83}{41} = 0.87$	
	Basic Court in Peja	$\frac{152}{135} = 0.54$	
	Basic Court in Ferizaj	$\frac{35}{35} = 0.76$	
<b>TOTAL:</b>		$\frac{961}{647} = 1.48$	

**TABLE 10** The case turnover ratio of domestic violence cases in all basic courts of the Republic of Kosovo during 2022.

From this table, it can be seen that the highest case turnover ratio of domestic violence cases in 2022 was achieved by:

- The Basic Court of Mitrovica (2.65)

While the lowest case turnover ratio was achieved by:

- The Basic Court of Ferizaj (1).

## 5.4 Disposition time

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















The duration of case resolution according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated in this way:

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

Therefore, as explained in the first part of this report, the number 365 represents the number of days within the reporting period, which is divided by the case turnover ratio of the seven basic courts, which they have achieved in 2022.

The table below shows the case turnover ratio of domestic violence cases in each of the basic courts of the Republic of Kosovo.

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

	Basic Court in Prishtina	$\frac{365}{1.24} = 294$	
	Basic Court in Gjilan	$\frac{365}{2.9} = 125$	
	Basic Court in Prizren	$\frac{365}{2.14} = 170$	
	Basic Court in Mitrovica	$\frac{365}{2.65} = 137$	
	Basic Court in Gjakova	$\frac{365}{1.62} = 225$	
	Basic Court in Peja	$\frac{365}{1.12} = 325$	
	Basic Court in Ferizaj	$\frac{365}{1} = 365$	

**TABLE 11.** Duration of the completion of domestic violence cases in all basic courts of the Republic of Kosovo during 2022.

According to the table presented above, it appears that the longest time to solve domestic violence cases that remained unresolved this year is needed by:

- Basic Court in Ferizaj (365 days).

While the shortest time to solve domestic violence cases is needed by:

- Basic Court in Gjilan (125 days).

## 5.5 Index of backlogged cases

One of the main problems reported in the justice system in Kosovo is the creation of a large number of backlogged cases. These cases are carried over from year to year, creating an overwhelming burden on the justice system.

This indicator is determined by the number of unresolved cases at the beginning of the reporting period (inherited cases), in relation to the number of cases resolved during the reporting period.

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

$$\text{Index of backlogged cases} = \frac{\text{inherited cases (PS)}}{\text{resolved cases (R)}}$$
















Therefore, according to this formula, the average index of backlogged cases of domestic violence in all basic courts during 2022 is:

$$\text{Index of backlogged cases} = \frac{417}{961} = 0.43$$

In this case, the number of inherited cases from the previous year was significantly lower than the number of cases that the system was able to resolve during this year, which is reflected in the low index of backlogged cases.

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

$$\text{Index of backlogged cases} = \frac{\text{inherited cases (PS)}}{\text{resolved cases (R)}}$$

	Basic Court in Prishtina	$\frac{221}{398} = 0.6$	
	Basic Court in Gjilan	$\frac{8}{116} = 0.06$	
	Basic Court in Prizren	$\frac{33}{116} = 0.28$	
	Basic Court in Mitrovica	$\frac{11}{61} = 0.18$	
	Basic Court in Gjakova	$\frac{31}{83} = 0.37$	
	Basic Court in Peja	$\frac{100}{152} = 0.65$	
	Basic Court in Ferizaj	$\frac{13}{35} = 0.37$	
	<b>TOTAL</b>	$\frac{417}{961} = 0.43$	

**TABLE 12.** Index of backlogged cases in all basic courts of the Republic of Kosovo during 2022.

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

According to the data presented in the table above, it appears that the lowest index of backlogged cases in 2022 was achieved by:

- Basic Court of Gjilan (0.06)

While the highest index of backlogged cases was achieved by:

- Basic Court of Peja (0.65).

# Recommendations

Based on the conclusions of this report and the intention to increase the efficiency of the work of the State Prosecutor and the justice system, FOL Movement provides the following recommendations:

- Create a specialized unit in other basic prosecutions that deal with domestic violence cases, just like the Domestic Violence Unit in the Basic Prosecution Office in Prishtina;
- Prioritize domestic violence cases by the justice and prosecutorial system in Kosovo, and increase penalties for perpetrators of these criminal acts;
- Intensify cooperation between the Ministry of Justice/National Coordinator's Office against Domestic Violence and other relevant institutions (to strengthen efforts to implement the Law on Protection from Domestic Violence);
- Provide sufficient security from security institutions to protect the lives and well-being of domestic violence victims;
- Encourage awareness raising and engagement of all citizens in reducing domestic violence and other forms of gender-based violence.
- The Ministry of Internal Affairs and the Ministry of Justice to provide conditions (operating rooms, electronic bracelets, specialized training) for the implementation of the *Law on Electronic Surveillance of persons whose movement is restricted by court order*.

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