

FOL

Performance of the prosecutorial and judicial system in the fight against domestic violence during 2023

STATISTICAL ANALYSIS



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1. Introduction

Undoubtedly, domestic violence constitutes a serious legal and moral crime, which should necessarily receive the strongest possible response from society and state institutions. Social engagement in the direction of protection from these acts should be the vital minimum in the sense 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 researches, despite the large level of spread of this phenomenon, domestic violence is one of the most widespread forms of criminality in Kosovar society, therefore the creation of new mechanisms and the strengthening of existing mechanisms is presented as an immanent need to fight of this phenomenon. The legal and institutional framework in this field is mainly in line with that of the European Union and with international standards, but the issue of its implementation remains challenging.

Despite the prevalence of this phenomenon, domestic violence continues to remain one of the most underreported crimes in our society. Based on various reports and researches of civil society organizations in Kosovo, many women still consider domestic violence in Kosovo as a private matter, 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 a partner, while one in ten women has experienced violent sexual intercourse or other violent sexual acts at some point in their lives.¹

Domestic violence is provided for in article 248 of the Criminal Code of the Republic of Kosovo, namely 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 another person within a family relationship, is punished with a fine and imprisonment for up to 3 years.² Furthermore, when any offense in the Criminal Code is committed within a family relationship, it will be considered an aggravating circumstance.

¹ Additionally, see: [http://www.kipred.org/repository/docs/Gender-based approach to victims of violence in Kosovo C3%ABfundimi_i_mosnd%C3%ABshkimit_t%C3%AB_ator%C3%AB_528871.pdf](http://www.kipred.org/repository/docs/Gender-based%20approach%20to%20victims%20of%20violence%20in%20Kosovo%20C3%ABfundimi_i_mosnd%C3%ABshkimit_t%C3%AB_ator%C3%AB_528871.pdf)
² Code No. 06/I-074, Criminal Code of the Republic of Kosovo, article 248, para. 1

It should be noted that the old Criminal Code of the Republic of Kosovo³, which has already been repealed, did not foresee domestic violence as a separate criminal offense. The perpetrators of these crimes at that time were accused of other criminal offenses provided for in the Criminal Code, in a serious form, such as: *Threat (Article 185); Harassment (Article 186); Assault (Article 187); Minor bodily injury (Article 188); Serious bodily injury (Article 189), Unlawful deprivation of liberty (Article 196); Torture (Article 199); Rape (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 Kosovo Progress Report 2023 of the European Commission, 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 mainly in line with EU and international standards. But, according to this report, criminal prosecution and effective adjudication of cases (including the imposition of appropriate punishment) remain limited.

The report emphasizes 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 emphasizes: “[...] *the Assembly adopted the Law on prevention and protection from domestic violence, violence against women and gender-based violence. Despite these positive developments, additional efforts are needed to effectively implement fundamental rights. The government’s capacity to improve and oversee fundamental rights issues requires further improvements, including the coordination of mechanisms for the protection of human rights, gender equality and non-majority communities, both at the central and local levels*”.

According to the European Commission, fundamental rights issues should appear higher on the political agenda. The report also notes that more efforts are needed to address the recommendations of the 2021 report, which are still applicable. The report adds that: “[...] *In the coming year, Kosovo should in particular: Create a stable mechanism of coordination and supervision of the legislation, strategies and policies of fundamental rights; to strengthen the implementation of existing instruments; to adopt a functional measurement and reporting system for the implementation of the Human Rights Program and Action Plan; as well as to approve the by-laws arising from the new Law on the Child Protection; approval of the Civil Code.*”⁴

³ Criminal Code of the Republic of Kosovo, No. 04/I-082 (repealed).

⁴ COMMISSION STAFF WORKING DOCUMENT, Kosovo* 2023 Report.

2. Methodology

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

The report is based on the official statistical data received by the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) for the year 2023, in order 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).⁵

All the 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, namely the criminal offenses of domestic violence. These statistics only include criminal offenses with known perpetrators (PP).

The efficiency of seven basic prosecutor's offices (*Prishtina, Mitrovica, Peja, Prizren, Gjilan, Ferizaj, Gjakova*), on the one hand, and of 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 case quality and their resolution, the work quality of the prosecutor's offices and courts, the service quality of the administration or the integrity and professionalism of the prosecutors and judges, but only the numerical (quantitative) analysis of their resolution.

The areas in which FOL is based on measuring the performance of the prosecution and the judiciary are as follows: 1) the flow of cases; 2) case clearance rate; 3) case turnover rate; 4) case disposition time; as well as 5) index of backlogged cases.

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

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

This is the second report regarding the statistical analysis of criminal offenses of domestic violence through the CEPEJ methodology used by FOL Movement⁶, while such measurements for criminal offenses of corruption through the methodology of CEPEJ, FOL has also done in the past and it will continue the same periodically in the coming months.⁷

⁵ 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 FOL Movement is not authorized by the Council of Europe and that the formulas, even though they are identical, are not official.

⁶ Beyond the Numbers, Performance of the judicial and prosecutorial system in resolving domestic violence cases during 2021.

⁷ In addition, see: Performance of the Prosecutor's Office in the Fight Against Corruption 2017; Performance of the Prosecutor's Office in resolving Corruption Cases during 2020; The performance of the prosecutorial and judicial system in the fight against corruption during 2021.

3. Executive summary

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

The measurement of the performance quality does not of course mean only obtaining statistical figures, but it is intended to objectively evaluate the work of the prosecutor's offices and courts in the Republic of Kosovo. In this regard, only through a methodology of continuous analysis and evaluation of the justice system can the deficiencies that inevitably need to be improved be found.

Based on the data we have been provided with 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.

- During 2023, the seven basic courts of the Republic of Kosovo had a total of 2,684 domestic violence cases, of which they managed to resolve only 1,393 cases, or 52% of all domestic violence cases they had in process. Meanwhile, part of 1,291 cases remained unresolved and were carried over to 2023.
- Of the 2,684 cases of domestic violence that were in process in the seven basic prosecutor's offices in 2023, a total of 1,393 cases were resolved, namely 52% of all cases that were in process. Meanwhile, 1,291 cases have remained unresolved and have been carried over to 2024.
- Transferring the large number of cases from year to year continues to remain challenging in the justice system bodies. In the basic courts of the Republic of Kosovo in 2023, 1,887 cases of domestic violence from the previous years were transferred, namely 70% of the cases that were pending in 2023. While in the seven basic prosecutor's offices of the Republic of Kosovo in 2023, a total of 1,381 domestic violence cases from previous years were transferred, or 32% of all cases in process.
- The average clearance rate of domestic violence cases in all basic courts during 2023 was 175%, which means that the number of cases resolved during this period (1,393 cases) was significantly higher than the number of new cases created during the year (797 cases).
- While the average clearance rate of domestic violence cases in the seven basic prosecutor's offices of the Republic of Kosovo for the year 2023 turns out to be 108%, which means that the number of cases resolved during this period (3,199 cases) was higher than the number of new cases received during the year (2,966 cases).
- The average case turnover rate in the seven basic courts of the Republic of Kosovo during 2023 was 1.07, since the number of resolved cases during this period (1,393 cases) was higher in relation to the number of cases that remained unresolved (1,887 cases), which were carried over to 2024.

- Whereas, the average case turnover rate in the seven basic prosecutor's offices during this period was 2.81, which is based on the fact that the number of cases resolved during this period (3,199 cases) was significantly greater in relation to the cases that remained unresolved (1,138 cases), which have been carried over to 2024.
- The average index of accumulated cases in the seven basic prosecutor's offices during 2023 reached 0.43 and resulted from the fact that the number of domestic violence cases inherited from the previous year (1,381 cases) is lower in relation to the number of resolved cases during this year (3,199 cases). While the index of accumulated cases in the seven basic courts of Kosovo is significantly lower, namely 1.35, because the number of inherited cases from the previous year was higher (1,887 cases), than the number of resolved cases during this year (1,393 cases).
- During 2023, the following faced with the largest workload of domestic violence cases; the Basic Court of Peja (518 cases) and the Basic Court of Prizren (508 cases). Meanwhile, the Basic Court of Ferizaj (184 cases) and the Basic Court of Mitrovica (234 cases) faced the smallest workload of these cases.

4. Performance of the judicial system in resolving cases of domestic violence during 2023

In the following part of the report we present the results of the indicators measuring the efficiency of the work of the Courts of the Republic of Kosovo in resolving domestic violence cases during 2023, done according to the methodology of the European Commission for Measuring the Efficiency of Justice (CEPEJ).



4. Performance of the judicial system in resolving cases of domestic violence during 2023

The courts of the Republic of Kosovo are the main authority of the institutional chain of the state struggle in preventing and fighting domestic violence. The results of the work of the courts could be reflected in the systematic data, from the moment their receive cases to their meritorious clearance. These data should be processed in accordance with the adequate methodology, in order to create general overviews 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 rate and other indicators regarding the field of domestic violence.

In the following part of the report we present the results of the indicators measuring the efficiency of the work of the Courts of the Republic of Kosovo in resolving domestic violence cases during 2023, done according to the methodology of the *European Commission for Measuring the Efficiency of Justice (CEPEJ)*.

While the general overview with the data of the judicial system of 2023, on which these indicators are based, is presented in the table below.








	PS Inherited cases	I New cases
 Basic Court in Prishtina	260	173
 Basic Court in Gjilan	314	115
 Basic Court in Prizren	394	114
 Basic Court in Mitrovica	197	37
 Basic Court in Gjakova	214	164
 Basic Court in Peja	387	131
 Basic Court in Ferizaj	121	63
TOTAL:	1,887	797

TABLE 1. Overview of the performance of the judicial system in resolving domestic violence cases during the year 2023.

LP All cases in process	R Resolved cases	PE Unresolved cases
433	252	181
429	180	249
508	288	220
234	143	91
378	184	194
518	248	270
184	98	86
2,684	1,393	1,291

4.1 Case flow

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

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

From this table it can be seen that the Basic Courts of the Republic of Kosovo had a total of 2,684 domestic violence cases. The cases inherited from the previous years contributed to the creation of these cases, namely 1,887 cases, as well as the number of cases created during 2023, namely 797 cases.

So, expressed as a percentage, 70% of domestic violence cases of all courts were carried over from the previous year, while 30% of the cases were newly created cases during 2023.

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

The ranking of the courts starting from those with the highest flow of domestic violence cases during 2023 is as follows:

1 Basic Court of Peja (518 cases);

2 Basic Court of Prizren (508 cases);

3 Basic Court of Prishtina (433 cases);

4 Basic Court of Gjilan (429 cases);

5 Basic Court of Gjakova (378 cases);

6 Basic Court of Mitrovica (234 cases);

7 Basic Court of Ferizaj (184 cases).

$$LP \text{ (cases in progress)} = PS \text{ (inherited cases)} + I \text{ (new cases)}$$



Basic Court in Prishtina



433

$= 260 + 173$



Basic Court in Gjilan



429

$= 314 + 115$



Basic Court in Prizren



508

$= 394 + 114$



Basic Court in Mitrovica



234

$= 197 + 37$



Basic Court in Gjakova



378

$= 214 + 164$



Basic Court in Peja



518

$= 387 + 131$



Basic Court in Ferizaj



184

$= 121 + 63$

TOTAL:

2,684

$= 1,887 + 797$

TABLE 2. Flow of domestic violence cases in all basic courts of the Republic of Kosovo during 2023.

4.2 Clearance Rate

As it was emphasized 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 as a percentage, as well as 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.

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, according to this formula, the average case clearance rate of domestic violence in 2023 in all basic courts of the Republic of Kosovo was:

$$\text{Case clearance rate} = \frac{1,393}{797} \times 100 = 175\%$$

According to this formula, where the number of domestic violence cases resolved during 2023 was 1,393 cases, while the number of new cases created during the year was 797 cases, the case clearance rate during 2023 was 175%. So the first instance of the judicial system in 2023 managed to resolve almost twice as many cases as it received, therefore this is also reflected in this case clearance rate.

The table below shows the clearance rate of domestic violence cases in each of the 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	$\frac{252}{173} \times 100 =$	146%
	Basic Court in Gjilan	$\frac{180}{115} \times 100 =$	157%
	Basic Court in Prizren	$\frac{288}{114} \times 100 =$	253%
	Basic Court in Mitrovica	$\frac{143}{37} \times 100 =$	386%
	Basic Court in Gjakova	$\frac{184}{164} \times 100 =$	112%
	Basic Court in Peja	$\frac{248}{131} \times 100 =$	189%
	Basic Court in Ferizaj	$\frac{98}{63} \times 100 =$	156%
TOTAL:		$\frac{1,393}{797} \times 100 =$	175%

TABLE 3.

The clearance rate of domestic violence cases in all basic courts of the Republic of Kosovo during the year 2023.

From this table it can be seen that the highest clearance rate of domestic violence cases in 2023 was achieved by:

- Basic Court of Mitrovica (386%);

While the lowest case clearance rate has been achieved by:

- Basic Court of Gjakova (112 %).

4.3 Case turnover ratio

The case turnover rate measures the ratio between the number of resolved cases and the number of unresolved cases. 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) processes the cases it receives – which is otherwise how long the system takes 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, according to this formula, the average turnover rate of domestic violence cases in 2023 in all basic courts of the Republic of Kosovo was:

$$\text{Case turnover rate} = \frac{1,393}{1,291} = 1.07$$

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 carried over any cases to the next year.

While in the specific case, the judicial system has managed to resolve 1,393 cases, namely 52% of all the cases it has had in process, therefore it has reached this case turnover rate. Meanwhile, 1,292 domestic violence cases, or 48% of the cases, have not been resolved and have been carried over to 2024.

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

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








	Basic Court in Prishtina	$\frac{252}{181} = 1.39$	→
	Basic Court in Gjilan	$\frac{180}{249} = 0.72$	↔
	Basic Court in Prizren	$\frac{288}{220} = 1.30$	→
	Basic Court in Mitrovica	$\frac{143}{91} = 1.57$	→
	Basic Court in Gjakova	$\frac{184}{194} = 0.94$	↔
	Basic Court in Peja	$\frac{248}{270} = 0.91$	↔
	Basic Court in Ferizaj	$\frac{98}{86} = 1.13$	↔
TOTAL:		$\frac{1,393}{1,291} = 1.07$	↔

TABLE 4. The turnover rate of domestic violence cases in all basic courts of the Republic of Kosovo during the year 2023.

From this table, it can be seen that the highest turnover rate of domestic violence cases in 2023 was achieved by:

- Basic Court of Mitrovica (1.57)

While the lowest case turnover rate has been achieved by:

- Basic Court of Gjilan (0.72).

4.4 Disposition time

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the duration of the completion of the cases that 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:

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

So, as it has been elaborated in the first part of this report, the 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 reached it in 2023.

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

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















	Basic Court in Prishtina	$\frac{365}{1.39} = 263$	
	Basic Court in Gjilan	$\frac{365}{0.72} = 507$	
	Basic Court in Prizren	$\frac{365}{1.30} = 281$	
	Basic Court in Mitrovica	$\frac{365}{1.57} = 232$	
	Basic Court in Gjakova	$\frac{365}{0.94} = 388$	
	Basic Court in Peja	$\frac{365}{0.91} = 401$	
	Basic Court in Ferizaj	$\frac{365}{1.13} = 323$	

TABLE 5.

Duration of completion of domestic violence cases in all basic courts of the Republic of Kosovo during 2023.

According to the table presented above, it turns out that it takes longer to resolve domestic violence cases that remained unresolved this year:

- Basic Court of Gjilan (507 days).

Whereas a shorter time for resolving domestic violence cases is needed for:

- Basic Court of Mitrovica (232 days);

4.5 Index of backlogged cases

One of the main problems reported in the justice system in Kosovo is the creation of a large number of accumulated cases. These cases are carried over from year to year, creating an unbearable workload for the justice system.

This indicator is determined by the number of unresolved cases at the beginning of the reporting period (inherited cases), divided by the number of resolved cases 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, according to this formula, the average index of accumulated cases of domestic violence in all basic courts during the year 2023 is:

$$\text{Index of accumulated cases} = \frac{1,887}{1,393} = 1.35$$

In this particular case, the number of cases inherited from the previous year was significantly higher than the number of cases that the system was able to resolve this year, which is why it is reflected in the low index of accumulated cases.

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
















		Index of accumulated cases =		$\frac{\text{Transferred cases (PS)}}{\text{Resolved cases (R)}}$	
	Gjykata Themelore në Prishtinë	$\frac{260}{252}$	=	1.03	
	Gjykata Themelore në Gjilan	$\frac{314}{180}$	=	1.74	
	Gjykata Themelore në Prizren	$\frac{394}{288}$	=	1.36	
	Gjykata Themelore në Mitrovicë	$\frac{197}{143}$	=	1.37	
	Gjykata Themelore në Gjakovë	$\frac{214}{184}$	=	1.16	
	Gjykata Themelore në Pejë	$\frac{387}{248}$	=	1.56	
	Gjykata Themelore në Ferizaj	$\frac{121}{98}$	=	1.23	
TOTAL:		$\frac{1,887}{1,393}$	=	1.35	

TABLE 6. Index of accumulated cases in all basic courts of the Republic of Kosovo during the year 2023.

According to the data presented in the table above, it turns out that the highest index of accumulated cases during 2023 was achieved by:

- Basic Court of Gjilan (1.74)

While the lowest index of accumulated cases was achieved by:

- Basic Court of Prishtina (1.03).

5. Performance of the prosecutorial system in handling of domestic violence cases during 2023

The good performance of the prosecutor's offices in dealing with cases of domestic violence, that is, the efficiency in the prosecution of the persons involved in these criminal offenses, means the full respect of the laws and priorities set by the Prosecutor's Council.



5. Performance of the prosecutorial system in handling of domestic violence cases during 2023

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 the 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 prosecution system.

By analyzing the advantages and revealing the weaknesses in the work of the prosecutor's offices when dealing with cases of domestic violence, we will be able to contribute to the reflection of the general situation of fighting this phenomenon. The good performance of the prosecutor's offices in dealing with cases of domestic violence, that is, the efficiency in the prosecution of the persons involved in these criminal offenses, means the full respect of the laws and priorities set by the Prosecutor's Council.

In the following part of the report, we present the indicators measuring the efficiency of the work of the basic prosecutor's offices in general in resolving domestic violence cases in 2023. Because the KPC has provided only general data and not specific data for each prosecutor's office, we analyzed these indicators for all prosecutor's offices in total.

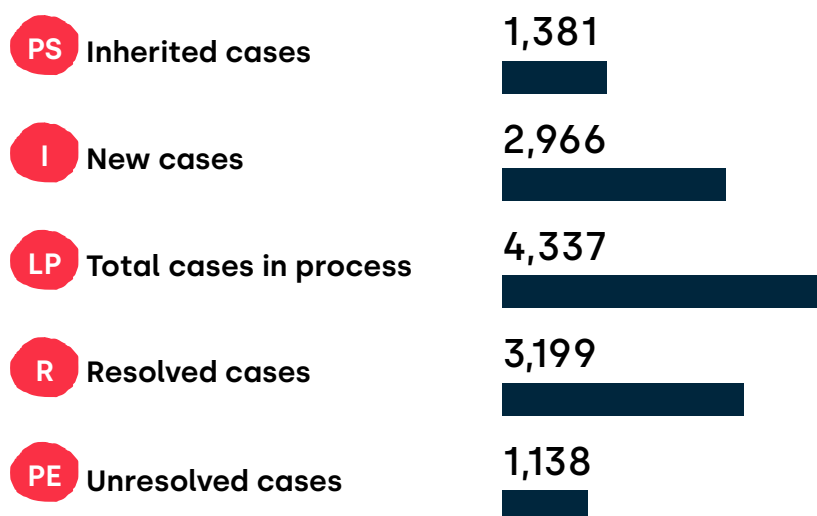


TABLE 7.

General overview of the performance of the prosecutorial system in the resolution of domestic violence cases during the year 2023.

5.1 Case flow

One of the biggest difficulties in the most efficient and qualitative management of cases by the prosecutor's offices is the large flow of cases. So case flow is a basic indicator of workload and includes new cases, resolved cases and pending cases.

The number of new cases means the number of cases that are entered into the system and that require action by prosecutors, while the number of resolved cases is the answer given by the prosecutorial system, that is, the number of cases that have been handled.⁸

Meanwhile, the cases that are expected to be handled are the number of cases that remain to be resolved by the prosecution at a certain time and as such are cases that are carried over to the next year. The analysis did not include the initial phase, i.e. the phase of investigation or information gathering before they are turned into criminal charges. The report therefore includes only the criminal charges sent to the prosecutor's office and their handling by the prosecutorial system.

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

$$LP \text{ (case in progress)} = LP \text{ (cases in progress)} = PS \text{ (inherited cases)} + I \text{ (new cases)}$$

During the period January - December 2023, a total of 4,337 cases were handled in the seven basic prosecutor's offices related to criminal offenses of domestic violence. The cases carried over from the previous year (1,381 cases) as well as the new cases created during the year (2,966 cases) contributed to this number. So, expressed as a percentage, on average 32% of cases of domestic violence in process within the seven prosecutor's offices were carried over from previous years, while 68% of the cases were new cases, created during 2023.

The following table shows the flow of cases of the seven basic prosecutions during 2023.

$$LP \text{ (cases in progress)} = PS \text{ (inherited cases)} + I \text{ (new cases)}$$

TOTAL:  **4,337** = 1,381 + 2,966

TABLE 8. The flow of domestic violence cases in the seven basic prosecutor's offices during 2023.

⁸ Handling and resolving can be used interchangeably. The word "resolve" is used from the courts, whereas for the prosecutor's office, the word "handle" is used. This is because the case in the prosecutor's office is not considered resolved without a court decision.

5.2 Clearance rate

The 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 prosecutor's office expressed as a percentage, as well as the working capacity of the prosecutor's office in resolving new cases. The ideal case clearance rate should be 100%, which means that the system resolves as many cases as it receives during the year.

Consequently, the average clearance rate of domestic violence cases during 2023 in the seven basic prosecutor's offices is as follows:

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

TOTAL:



$$\frac{3,199}{2,966} \times 100 = 108\%$$

TABLE 9.

The clearance rate of domestic violence cases in the seven basic prosecutor's offices during the year 2023.

So according to this formula, the number of domestic violence cases resolved during 2023 was 3,199, the number of new cases received during 2023 was 2,966, the clearance rate of domestic violence cases during 2023 turns out to be 108%. So the number of new cases received during 2023 was higher in relation to the resolved cases during this year.

In other words, from 4,337 cases of domestic violence that were in process during 2023 (this includes inherited cases from previous years and new cases created during the year), prosecutors managed to resolve 3,199 cases, respectively 74% of cases, while the rest of 1,138 cases remained unresolved and were carried over to 2024.

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 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 unresolved cases, deriving the case turnover rate.

In other words, the case turnover rate measures how quickly the system (in this case, the prosecutor's office) handles the cases it receives - which otherwise falls on how much time the system takes to resolve a case.

Consequently, the average turnover rate of domestic violence cases in all basic prosecutor's offices during 2023 is:

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


Basic Prosecutor's Offices of the Republic of Kosovo	$\frac{3,199}{1,138}$	= 2.81	
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TABLE 10. The turnover rate of domestic violence cases during the year 2023 in the seven basic prosecutor's offices.

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 carried over any cases to the next year. While in the specific case, there is a big difference between the resolved cases in relation to those that have remained unresolved and have been carried over for the next years, which also results in a high case turnover rate.

5.4 Index of backlogged cases

One of the main problems reported in the justice system in Kosovo is the large number of cases accumulated over the years. The prosecutor’s offices, just like the courts, continue to face old cases that become a burden and a heavy workload, and that are carried over year after year.

The prolongation of the processing of cases and the large number of transferred cases increase the distrust of citizens in justice institutions, as they have to wait for years for the system to deal with their cases and dispense justice to them.

So a key indicator of the prosecution’s performance 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 cases resolved 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:

Consequently, the index of accumulated cases of the seven basic prosecutions is:

$$\text{Index of accumulated cases} = \frac{\text{Carried over cases (PS)}}{\text{Resolved cases (R)}}$$


<p>Basic Prosecutor’s Offices of the Republic of Kosovo:</p>	$\frac{1,381}{3,199}$	$=$	<p>0.43</p>	
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TABLE 11. Index of accumulated cases of domestic violence during the year 2023 in the seven basic prosecutor’s offices.

If in this case 1,381 cases were resolved, it means that the system has resolved as many cases as it has inherited, and as such the value would be 0. While in the specific case, it means that the prosecution has resolved significantly more cases than it inherited from the previous year, which means that the average index of accumulated cases is low.

6. Conclusion

The results of the evaluation of the work performance of the institutions of the justice system reflect the will, 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 as well as the expectations of the citizens of 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 has not been extended to the analysis of the qualitative coordinates of the professional work, but only within the framework of the assessment of the rates of work performed in quantitative terms.

In this respect, the seven basic prosecutor's offices have managed to handle more than half of the cases they have had in process during 2023. Accordingly, out of 4,337 domestic violence cases handled by the seven basic prosecutor's offices during 2023, managed to resolve 3,199 cases, or 74% of all cases of domestic violence that they had in process this year.

One of the main challenges that the justice system is facing, and in particular the prosecution system, is the transfer of the large number of cases from year to year. Such a situation has only worsened this year. In 2023, 1,381 cases were transferred from previous years, in 2022, 1,372 cases were transferred, while in 2021, 1,113 cases were transferred.

Meanwhile, the first level of the judicial system during the year 2023, out of the 2,684 cases of domestic violence that they had in total, managed to resolve only 797 cases, or 30% of all cases of domestic violence.

The number of domestic violence cases transferred for 2023 by the seven basic courts is significantly higher than the number of cases that were transferred from previous years. Accordingly, from the previous years, 417 domestic violence cases were transferred in 2022, while 1,887 cases were transferred for 2023. So this shows that the pace of transferring cases from year to year is increasing.

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 and the judicial system, the FOL Movement provides the following recommendations:

- Create a special unit in other basic prosecutor>s offices that deal with cases of domestic violence, just like the Unit for Domestic Violence in the Basic Prosecutor>s Office of Prishtina;
- Domestic violence cases to be handled with absolute priority by the judicial and prosecutorial system of Kosovo, as well as to toughen the punishments for the perpetrators of these criminal offenses;
- 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);
- Provide sufficient security from security institutions to protect the life and well-being of victims of domestic violence;
- Promote the increase of citizens> engagement for the reduction of domestic violence, as well as the awareness of citizens of rural areas.
- 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 decision*.

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