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STRENGTHENING KOSOVO'S LEGAL FRAMEWORK ON TECHNOLOGY-FACILITATED VIOLENCE AGAINST WOMEN IN POLITICS

A LEGAL GENDER ANALYSIS

December, 2025

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ACRONYMS

TFGBV	Technology-Facilitated Gender-Based Violence
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
IMC	Independent Media Commission
CSA	Cyber Security Agency
CEC	Central Election Commission
EU	European Union
EU GAP III	EU Gender Action Plan III
GBV	Gender-Based Violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
SAA	Stabilization and Association Agreement
UN	United Nations
VAW	Violence Against Women
WFD	Westminster Foundation for Democracy

EXECUTIVE SUMMARY

This report presents an in-depth legal gender analysis of Kosovo's framework on technology-facilitated gender-based violence (TFGBV) and online hate speech. It benchmarks national laws and institutional practices against international obligations under CEDAW, the Istanbul Convention, and the EU Directive 2024/1385, focusing particularly on impacts on women in politics and public life. The analysis reviews constitutional provisions, primary and secondary legislation, strategies, and institutional mandates, while also drawing on interviews and civil society monitoring. The study finds that although Kosovo has taken steps to strengthen its gender equality and anti-violence framework, significant substantive, procedural, and institutional gaps remain in addressing TFGBV. These gaps undermine women's safety, rights, and equal participation in democratic processes.

Main findings Include:

- Kosovo's legal framework does not explicitly define or criminalize many key forms of TFGBV such as cyberstalking, doxxing, deepfakes, cyberflashing, or non-consensual image sharing.
- Harassment and sexual harassment are criminalized, but their application to digital contexts is unclear and inconsistent.
- Hate speech laws prohibit incitement on several grounds but do not explicitly include misogyny or sexism, leaving gendered hate speech largely unaddressed.
- Contradictions exist between the 50% gender quota in the Gender Equality Law and the 30% quota in electoral laws, undermining legal coherence.
- The Civil Law on Defamation and Insult shields portals from liability for user comments unless prior knowledge is proven, leaving misogynistic content largely unchecked.
- The Criminal Procedure Code limits investigative measures to "serious offences," excluding many forms of online harassment from effective investigation.
- Victims face heavy evidentiary burdens when harassment is anonymous or hosted abroad, with no rapid takedown or content-preservation mechanisms.
- Courts lack specific tools to issue immediate digital restraining orders or protection measures for online abuse.
- The Cyber Security Agency focuses narrowly on infrastructure and does not address individual protection from cyber harassment.
- The Independent Media Commission regulates broadcasters but has no mandate over online platforms or user-generated content.
- The Ombudsperson's broad mandate covers discrimination but lacks specialized capacity or resources for TFGBV.
- Electoral bodies cannot sanction online smear campaigns, misogynistic trolling, or digital disinformation targeting women candidates.
- The National Strategy on Violence Against Women acknowledges cybercrime but does not provide a dedicated chapter or monitoring indicators on TFGBV.
- Although the General Elections Law contains a very general definition of "campaign activity," it does not clearly define or regulate online campaigning. This superficial basis has allowed ECAP to address only a limited number of hate-speech cases on platforms such as Facebook, but it remains insufficient to cover technology-facilitated gender-based violence during campaigns, leaving women candidates without meaningful protection online.

- Preventive measures in law and policy, such as awareness campaigns or digital literacy programs, remain extremely limited.

- Neither the Central Election Commission (CEC) nor the Election Complaints and Appeals Panel (ECAP) has a clear mandate or adequate tools to address online behavior during campaigns. The CEC has no authority in this area, while the ECAP can intervene only upon receiving a complaint and lacks any guidance or definitions on what constitutes hate speech, let alone gender-based or misogynistic online violence. As a result, technology-facilitated attacks against women candidates remain largely unaddressed within the electoral protection system. Data collection on TFGBV is weak; online abuse is not systematically recorded, disaggregated, or monitored across institutions.

- Civil remedies exist but are slow and burdensome, discouraging victims from pursuing justice.

- Victim support services, such as hotlines and shelters, are not adapted to digital harms or online safety needs.

- Coordination among institutions (justice, cyber-security, media regulators, election bodies) is fragmented and duplicative, with no clear lead agency.

- International standards are directly applicable under the Constitution, but their requirements are not consistently reflected in domestic practice.

Overall, Kosovo's framework remains misaligned with CEDAW, the Istanbul Convention, and EU Directive 2024/1385, creating legal and institutional gaps that leave women vulnerable online.

INTRODUCTION

The rapid expansion of digital technologies and online platforms has transformed political participation and public discourse in Kosovo. While these tools create opportunities for engagement and visibility, they have also opened new channels for violence, harassment, and hate speech, particularly targeting women in public and political life. Online abuse, ranging from cyberstalking and doxxing to the non-consensual dissemination of intimate images and gendered hate speech, is increasingly used to silence women, deter their political participation, and reinforce discriminatory norms. These forms of technology-facilitated gender-based violence (TFGBV) affect individual women's safety and dignity heavily. However, they also undermine democratic processes by restricting equal participation.

In recent years, civil society organisations, media outlets, and election observers in Kosovo have documented incidents of online harassment and hate campaigns against women politicians, activists, and journalists. These reports consistently highlight the gap between the prevalence of online abuse and the ability of Kosovo's legal and institutional framework to provide effective protection and remedies. Existing criminal provisions on harassment, stalking, threats, or incitement to hatred are not always interpreted through a gender lens, and new forms of digital abuse, such as deepfakes, coordinated harassment, and cyberflashing, remain poorly regulated.

At the international level, Kosovo is expected to align its laws and policies with instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Council of Europe Istanbul Convention, and relevant European Union directives and OSCE/ODIHR guidance. These instruments establish clear obligations for states to prevent, protect, prosecute, and provide redress in cases of gender-based violence, including when facilitated by technology. The recently adopted EU Directive 2024/1385 on combating violence against women and domestic violence sets minimum standards for defining and criminalising online offences such as cyberstalking, image-based abuse, and online harassment. Benchmarking Kosovo's framework against these standards is therefore essential to identify gaps and support legislative and policy reform.

Against this backdrop, the Westminster Foundation for Democracy (WFD), together with its partners, has initiated this legal gender analysis to assess the adequacy of Kosovo's legal and institutional framework in addressing online violence and hate speech. The analysis seeks to identify substantive and procedural gaps, evaluate alignment with international obligations, and generate actionable recommendations. By doing so, it aims to strengthen Kosovo's capacity to prevent and respond to online abuse, ensuring that women in politics and public life can participate fully and safely in democratic processes.

CONTEXTUAL OVERVIEW OF ONLINE VIOLENCE AND HATE SPEECH IN KOSOVO

Kosovo is among the most digitally connected societies in the Western Balkans. This digital openness has created a space for gendered abuse, cyberstalking, doxxing, image-based abuse, and coordinated disinformation campaigns targeting women in politics and public life. Nearly universal internet use is reported: 99.3 % of women, 98.6 % of men, and 99 % of Kosovars overall use the internet.[1]In terms of device access, 95% of women and 96% of men reported using a smartphone to connect to the internet at home.[2]

Violence against women is not isolated, it cuts across age, background and status. Its consequences are deeply structural: women are silenced, their independence is eroded, and their equal participation in society is undermined.

Nicole Farnsworth, Kosovo Women's Network

The near-universal connectivity in Kosovo highlights the urgency of ensuring that digital spaces are safe and inclusive, particularly for women in politics and public life.

A 2023 regional survey across 11 countries in Europe and Central Asia found that 43.3% of women in Kosovo had experienced technology-facilitated violence, including unwanted sexual messages, pressure to share intimate images, threats to reveal personal information, or hacking.[3] While Kosovo's prevalence rate was slightly below the regional average, women reported that the abuse they faced was more prolonged and repetitive compared to elsewhere. Younger women and those with a strong online presence were at higher risk, and many victims responded by limiting their online activity and reporting significant emotional distress.[4] Kosovo Police recorded around 1,700 cybercrime cases between 2019–2023, but only 41 cases involved identity theft. The lack of legal definitions for cyber harassment, doxxing, or non-consensual image sharing means cases are not systematically captured, leaving the scale of online gender-based violence unclear.[5] Complaints to the Information and Privacy Agency about personal-data breaches

1 Kosovo Women's Network, Gender Equality: At the Center of IT and Beyond, A Gender Analysis of Digitalisation in Kosovo, 2024, at: https://womensnetwork.org/wp-content/uploads/2024/09/KWN-Gender-and-Digitalisation-1.pdf

2 Ibid.

3 UN Women, The Dark Side of Digitalization: Technology-facilitated violence against women in Eastern Europe and Central Asia, 2023, at: https://eca.unwomen.org/sites/default/files/2024-01/research-tf-vaw_full-report_24-january2.pdf#:~:text=acts%20with%20sexual%20ha%C2%AD%20rassment%2C,50%2060%2070%2080%2090

4 Ibid.

5 Dorjeta Rukiqi for Just REACT, Tackling Online Gender-Based Violence in Kosovo: Legal and Institutional Challenges, 2024, at: https://drejtesiasot.com/wp-content/uploads/2025/01/Dorjeta-Rukiqi-Institutional-capacity-1.pdf#:~:text=Another%20key%20challenge%20is%20the,harassment%2F%2052%20%20%20Ibid

dropped from 116 in 2023 to 63 in 2024; only 34 of these were filed by women, suggesting under-reporting due to stigma or mistrust.[6]

Activists in Kosovo who speak at protests are often subjected to online shaming and harassment.[7] Women journalists are particularly exposed; investigative reporter Ardiana Thaçi was doxxed after reporting on the AlbKings Telegram group, which shared non-consensual intimate images of women and amassed over 100,000 members. [8]Group members published her phone number and issued threats. The report notes that women and girls in Kosovo are vulnerable to multiple forms of cyberviolence, including psychological abuse, cyberstalking, doxxing, and revenge pornography, with young women, ethnic minorities, LGBT+ persons, people with disabilities, women human-rights defenders, and journalists facing heightened risk.

Women politicians face so much hostility, often living with constant anxiety and exhaustion. High-profile cases show how coordinated harassment campaigns are designed to 'price women out' of public life by making visibility too costly.

Medine Dauti, Activist and Researcher on digital violence against women

Multiple monitoring efforts show that the tone of online debate worsens when political contests heat up. In the 2021 local elections, social media posts about women mayoral candidates attracted harsh responses; nearly one-third of all comments were overtly misogynistic and about 40 % were negative.[9] The abuse was not evenly distributed: posts about Mimoza Kusari Lila drew more than a thousand sexist comments, while Sibel Halimi's campaign generated hundreds of similar insults.[10] Some women candidates even faced off-line intimidation during the campaign.[11] The same findings occurred during the 2025 parliamentary elections: women candidates were mocked for their looks, demeaned for their emotional expression or family choices, and largely sidelined from prime time media coverage (just 14.8 % of prime time programming featured women).[12] Hostility toward women spilled across both social and traditional media, reinforcing the sense that election periods are high-risk moments for gendered attacks.[13]

6 Ibid.

7 Kvinna till Kvinna, Women's Labour Market Participation and Security for Human Rights Defenders, Women's Rights in Western Balkans 2024, at: https://kvinnatillkvinna.org/wp-content/uploads/2024/11/The-Kvinna-till-Kvinna-Foundation-Womens-Rights-in-Western-Balkans-2024.pdf#:~:text=Activists%20who%20raise%20their%20voices,to%20ensure%20373%20journalists%27%20safety

8 Ibid.

9 See Democracy for Development, Election Campaign Under Scrutiny: Do information disorders threaten election integrity? at: https://d4d-ks.org/wp-content/uploads/2022/01/2022-01-10-D4D_Report_ENG_01-fin.pdf#:~:text=The%20exercise%20of%20online%20violence,43 and National Democratic Institute, Kosovo's Local Elections: Analysis of Inclusion and Information Integrity, at: https://www.ndi.org/sites/default/files/Kosovo's%202021%20Local%20Elections%20-%20NDI%20Analysis%20of%20Inclusion%20and%20Information%20Integrity.pdf#:~:text=Women%20candidates%20were%20subject%20to,25

10 See Democracy for Development, Election Campaign Under Scrutiny: Do information disorders threaten election integrity? at: https://d4d-ks.org/wp-content/uploads/2022/01/2022-01-10-D4D_Report_ENG_01-fin.pdf#:~:text=The%20exercise%20of%20online%20violence,43

11 National Democratic Institute, Kosovo's Local Elections: Analysis of Inclusion and Information Integrity, at: https://www.ndi.org/sites/default/files/Kosovo's%202021%20Local%20Elections%20-%20NDI%20Analysis%20of%20Inclusion%20and%20Information%20Integrity.pdf#:~:text=Women%20candidates%20were%20subject%20to,25

12 European Union Election Observation Mission, Kosovo 2025, Final Report, at: https://www.eods.eu/library/EU%20EOM%20Kosovo%202025_Final%20Report_EN.pdf#:~:text=PARTICIPATION%20OF%20WOMEN

13 Ibid.

When women candidates are targeted with misogynistic trolling, the message to younger generations is clear: politics is not a safe place for you.

Brikena Avdyli, Academic and Practitioner in Gender Equality, Inclusion, and Electoral Processes

Misogyny online against women in politics is not limited to election time; it has become the everyday language of digital spaces in Kosovo.

Leonida Molliqaj, Women's Rights Activist and Researcher

Away from campaign seasons, the tone does not necessarily improve. A 2023 review of online comments found that men were responsible for nearly 90% of hate speech posts and that misogynistic or gendered disinformation consistently drew higher engagement than ordinary content.[14] They catalogued repeated campaigns against President Vjosa Osmani, MPs Doarsa Kica Xhelili and Ganimete Musliu, and Justice Minister Albulena Haxhiu; in these cases, between 16 % and 27 % of comments contained sexist slurs or personal insults. The ferocity of such attacks is illustrated by the case of journalist Zana Avdiu, who received more than 11 000 threats after criticising a footballer. [15]

These qualitative insights align with broader monitoring trends: the Reporting Diversity Network recorded 71 gender related hate speech incidents in Kosovo in 2022 and 112 in 2023, with women forming the majority of targets and derogatory language ranging from "bitch" and "whore" to "old witch".[16] Collectively, these findings show that misogyny is woven into everyday digital discourse, not just during elections. Addressing this challenge will require clear, robust laws and safety mechanisms that define and punish cyber-violence in line with emerging international standards.

14 Democracy for Development, Unsocial Media: Tracing and exposing gendered disinformation in Kosovo, 2023, at: https://d4d-ks.org/wp-content/uploads/2024/01/01-Gender-Disinformation-ENG10.pdf

15 Ibid/.

16 Jeta Rexha, Media Monitoring Report on Hate Speech in Kosovo, 2024, at: https://www.reportingdiversity.org/wp-content/uploads/2024/04/Media-Monitoring-Report_Kosovo_ENG-1.pdf

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METHODOLOGICAL APPROACH AND RESEARCH QUESTIONS

This analysis is guided by a set of core questions designed to uncover how Kosovo's legal and institutional framework addresses technology-facilitated gender-based violence (TFGBV) and hate speech, particularly in political and electoral contexts. The main research question is:

To what extent does Kosovo's legal and institutional framework adequately prevent, address, and provide remedies for online violence and hate speech targeting women in public and political life, and how does it align with international standards?

From this, five sub-questions follow:

1. To what extent do Kosovo's laws and by-laws explicitly or implicitly cover TFGBV forms (e.g., cyberstalking, doxxing, image-based abuse, gendered hate speech, coordinated harassment, deepfakes, non-consensual dissemination of intimate images)?
2. How are women in public and political life protected in law and in practice (prevention, protection, prosecution, redress)?
3. Where are the key gaps (substantive, procedural, institutional capacity, jurisdiction/competence) and ambiguities (definitions, thresholds, evidentiary standards) that impede access to justice?
4. How does the framework benchmark against international and regional standards and good practice?
5. What reforms (legislative, regulatory, institutional, practice guidance) are feasible in the Kosovo context?

RESEARCH PROCESS

The research was primarily based on an extensive desk review of laws, by-laws, strategies, and existing literature. This constituted the core of the analysis, mapping Kosovo's legal and institutional framework on online violence and hate speech, and examining how different forms of technology-facilitated gender-based violence are addressed in practice. Complementing this central desk research, secondary sources from civil society organizations, election observers, and international institutions were also examined to identify patterns of abuse, enforcement gaps, and the lived experiences of women in public and political life.

Building on these findings, five semi-structured interviews were conducted with representatives of civil society, researchers, activists, and academics to discuss the preliminary analysis and identify practical challenges in prevention, protection, prosecution, and redress. The process concluded with a consultative roundtable held on the 17th of November 2025, where draft findings and recommendations were presented to a group of stakeholders. This dialogue allowed for validation of the research, collective reflection on possible reforms, and refinement of the final recommendations.

NORMATIVE AND INSTITUTIONAL FRAMEWORK

This chapter analyses the international, regional, and national legal instruments that are applicable to the issue of technology-facilitated gender-based violence and hate speech. It looks at both the external standards that Kosovo is expected to align with and the domestic framework that defines rights, obligations, and institutional responsibilities within the country. The first part outlines the key international and regional instruments, such as conventions, directives, and guidance documents, and considers their relevance for the protection of women in politics and public life. The second part examines Kosovo's legal and institutional framework, focusing on legislation, by-laws, and coordination mechanisms that address gender equality, violence against women, and digital harms.

Together, these sections provide the basis for assessing how far Kosovo's laws and institutions reflect established international standards, where gaps or inconsistencies remain, and what opportunities exist to strengthen protection and remedies in practice.

INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK

This section outlines the key international and regional instruments that establish standards for preventing and addressing violence against women, including its online manifestations. It highlights conventions, directives, and guidance that define state obligations and set benchmarks for protection, prosecution, and redress. These instruments serve as the reference point against which Kosovo's national framework can be assessed and gaps identified.

THE FOUNDATION FOR APPLYING INTERNATIONAL STANDARDS

It is important to highlight at the outset why international standards matter for addressing violence against women and hate speech in Kosovo. International conventions and EU directives set out clear obligations on prevention, protection, prosecution and redress, and Kosovo's ability to enforce these standards depends on how they are incorporated into domestic law.

Article 22 of the Constitution of the Republic of Kosovo declares that specific international human-rights treaties are directly applicable and take precedence over domestic legislation.[17] It specifically states that human rights and freedoms guaranteed by specific international agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Istanbul Convention, are directly applicable in Kosovo's legal order and have priority over domestic laws. This provision means that once Kosovo ratifies or adheres to an international human rights instrument, its obligations become enforceable in Kosovo's courts and public institutions without the need for separate implementing legislation.

Complementing this domestic commitment is the Stabilization and Association Agreement (SAA) between Kosovo and the European Union.[18] Concluded in 2016, the SAA obliges Kosovo to align its existing and future legislation

17 Assembly of the Republic of Kosovo, Constitution of the Republic of Kosovo, 2008, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702
18 Stabilization and Association Agreement between the European Union and The Republic of Kosovo, 2016, at: https://eur-lex.europa.eu/EN/legal-content/

with the EU acquis. This alignment initially focuses on core elements of EU law in the internal market and in the areas of freedom, security and justice and is overseen by joint EU Kosovo bodies. The SAA emphasizes the rule of law and the strengthening of judicial and law enforcement institutions preparing Kosovo to effectively prevent, investigate and prosecute crimes, including forms of gender based violence, and to cooperate with EU member states.[19] In practice, Kosovo's obligation to approximate its legislation to EU standards makes directives such as the EU Directive 2024/1385 on combating violence against women and domestic violence highly relevant; even though Kosovo is not yet an EU member, aligning its laws with these directives is part of its accession pathway.

Together, the Constitution and the Stabilization and Association Agreement (SAA) form a dual foundation for integrating international and regional norms into Kosovo's legal system. Article 22 mandates the direct application of international human-rights conventions, while the SAA obliges Kosovo to gradually align its existing and future legislation with the EU acquis. This alignment is constitutionally and contractually required but it is also a practical necessity: if domestic laws diverge from binding international standards, those standards take precedence, creating legal inconsistencies that hinder enforcement. To avoid such conflicts and ensure effective protection against violence, including technology-facilitated abuse, Kosovo's legislation must be fully harmonized with the international and regional instruments discussed below, documents that explicitly address online violence and its various forms.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is directly applicable to Kosovo through Article 22.[20] CEDAW is the core international treaty on women's rights, adopted by the UN in 1979 and ratified by nearly all UN member states. It defines discrimination broadly and obliges states to eliminate it in law, policy, and practice, both by state authorities and private actors.[21] CEDAW focuses on ensuring equality between women and men in all spheres of life: political and public participation, education, employment, health, marriage and family relations, nationality, and the rights of rural women. It also requires states to tackle gender stereotypes and harmful cultural norms, to adopt temporary special measures such as quotas where necessary, and to guarantee women effective protection and remedies. Through its Committee's General Recommendations and jurisprudence, CEDAW clarifies that violence against women, including technology-facilitated abuse, is a form of discrimination, and that states must exercise due diligence to prevent, investigate, punish, and redress such harms.[22]

This means that under CEDAW, technology-facilitated abuse (TFGBV) is legally understood as a form of discrimination that states must address with the same seriousness as offline violence. The treaty's Article 2 (state obligations) and Article 5 (stereotypes) require governments to take proactive steps to prevent and eliminate all practices that subordinate women, including digital abuse such as online harassment, cyberstalking, doxxing, non-consensual image sharing, and coordinated smear campaigns. The CEDAW Committee's General Recommendation No. 19[23] and its update GR 35[24] make clear that gender-based violence covers all forms of abuse, whether physical, psychological, or technology-facilitated, and that states have a duty to exercise due diligence: they must prevent foreseeable harms, investigate and sanction perpetrators, protect victims, and provide access to justice and remedies. GR 33 on access to

summary/stabilisation-and-association-agreement-with-kosovo.html#:~:text=

19 Ibid.

20 United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 1979, at: https://www.ohchr.org/sites/default/files/cedaw.pdf#:~:text=Article%202

21 Ibid.

22 Ibid.

23 CEDAW General Recommendation Nr. 19, at: https://www.refworld.org/legal/resolution/cedaw/1992/en/96542

24 CEDAW General Recommendation Nr. 35, at: https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based

justice further emphasizes that laws and procedures must adapt to new forms of evidence and online harm[25], while GR 40 on women's representation highlights that safe and equal participation in political and digital spaces is part of achieving full parity.[26]

CEDAW Obligations for Kosovo on Technology-Facilitated Violence

Kosovo must explicitly criminalize technology-facilitated abuse, including cyberstalking, online harassment, doxxing, deepfakes, and non-consensual sharing of intimate images.

Kosovo must create clear reporting channels and ensure rapid protection orders, content takedowns, compensation, and guarantees of non-repetition.

Kosovo must train police, prosecutors, judges, and electoral bodies to handle digital evidence and apply a gender-sensitive approach without stereotyping.

Kosovo must run awareness campaigns, promote digital literacy, and challenge misogynistic online discourse through cooperation with media and platforms.

Kosovo must ensure women politicians, journalists, and activists can safely engage in political and public life without intimidation or online abuse.

COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is directly applicable to Kosovo through Article 22 of the Constitution, following its inclusion in 2020. Adopted in 2011, it is the most comprehensive international treaty dedicated to combating violence against women and domestic violence, and it frames such violence as both a human rights violation and a form of discrimination.[27] The Convention is structured around four mutually reinforcing pillars: prevention, protection, prosecution, and integrated policies. States are required to prevent violence by addressing root causes such as gender stereotypes and inequality; to protect victims through accessible services including shelters, hotlines, and legal aid; to prosecute perpetrators effectively through criminalization of a wide range of forms of violence; and to develop integrated policies that ensure coordination across justice, health, education, and social services. The Convention also obliges states to collect data, raise awareness, incorporate gender-sensitive education, and ensure adequate resources are dedicated to combating violence against women. Its scope goes beyond criminal law, establishing a holistic approach that combines legal, institutional, and cultural reforms to eliminate violence against women in both the public and private sphere. Compliance is monitored through GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence), which reviews national implementation and issues recommendations to strengthen alignment with the Convention. The Istanbul Convention makes clear that violence against women also extends to the digital sphere, and that abuse carried out online or through technology must be addressed with the same urgency and seriousness as offline violence. The Convention requires states to criminalize conduct such as psychological violence (Article 33), stalking (Article 34), threats (Article 33), sexual harassment (Article 40) and other offences that can take place in digital spaces, whether through social media, messaging apps, or other online platforms. Online harassment, cyberstalking, the non-consensual sharing of intimate images, digital threats,

25 CEDAW General Recommendation Nr. 33, at: https://digitallibrary.un.org/record/807253

26 CEDAW General Recommendation Nr. 40, at: https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-40-equal-and-inclusive

27 The Council of Europe, The Convention on the Prevention and Elimination of All forms of Violence Against Women, https://www.coe.int/en/web/istanbul-convention/text-of-the-convention

and coordinated online campaigns against women all fall within the Convention's scope when they amount to psychological violence, stalking, or harassment. States must therefore ensure that laws and policies explicitly capture these digital manifestations, that victims have equal access to remedies, and that perpetrators are held accountable through prosecution and sanctions.

Istanbul Convention Obligations for Kosovo on Technology-Facilitated Violence

Kosovo must ensure its criminal code fully captures online manifestations of violence, including cyberstalking, harassment, threats, and non-consensual sharing of images.

Kosovo must provide rapid protection measures that apply in digital contexts, such as restraining orders, takedown procedures, and emergency interventions.

Kosovo must adapt victim services, including hotlines, shelters, psychosocial support, and legal aid, to respond to technology-facilitated harms.

Kosovo must train police, prosecutors, and judges to recognize digital abuse, handle online evidence, and avoid minimizing online violence.

Kosovo must implement prevention strategies, such as awareness campaigns, digital literacy programmes, and cooperation with media and online platforms to challenge misogynistic narratives.

Kosovo must collect and publish data on technology-facilitated violence, monitor patterns, and integrate the digital dimension into all strategies on violence against women.

CEDAW and the Istanbul Convention already oblige Kosovo to treat online abuse with the same seriousness as offline violence; the gap lies in enforcement. We have the standards on paper, but without clear definitions, procedures, and accountability, women remain unprotected in digital spaces.

Ariana Qosaj-Mustafa, Legal Expert

GREVIO has reinforced this interpretation in its General Recommendation No. 1 on the digital dimension of violence against women (2021).[28] GREVIO confirmed that the Istanbul Convention applies fully to acts of violence committed online or facilitated by technology, describing this as the "digital dimension of violence against women." It called on states to adapt criminal laws, civil protection measures, and victim support services to cover online harms, and stressed the importance of digital evidence, platform accountability, and rapid intervention mechanisms such as restraining orders applicable to online abuse.[29] GREVIO also highlighted the chilling effect of online violence on women's freedom of expression and participation in public life, making clear that ensuring safe digital spaces is a binding obligation under the Convention.

EUROPEAN UNION DIRECTIVE ON COMBATING VIOLENCE AGSINST WOMEN AND DOMESTIC VIOLENCE

The EU Directive 2024/1385 on combating violence against women and domestic violence was adopted in May 2024 and represents the first binding EU-wide legislation specifically addressing violence against women.[30] As discussed above, Kosovo is required to align its legislation with the EU acquis, which also includes compliance with EU directives, including this one. This Directive establishes minimum standards that all Member States must meet in criminalizing offences, protecting victims, and ensuring access to

28 GREVIO Recommendation No 1, at: https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-general-recommendation-no-1

29 Ibid.

30 European Parliament, Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, at: https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng

justice and support. The Directive defines violence against women as a violation of human rights and a form of discrimination, and it requires Member States to adopt laws and measures covering both offline and online forms of abuse. [31]It focuses on criminal law harmonisation, victim protection and support, access to justice, prevention, and coordination across institutions. The Directive is also closely aligned with international standards, including CEDAW and the Istanbul Convention, and reinforces the EU's commitment to gender equality and fundamental rights.[32]

The new EU Directive is historic. For the first time, the European Union has created binding rules to criminalize violence against women, including its online forms, and to guarantee that victims have real access to justice, protection, and support.

Nicole Farnsworth, Kosovo Women's Network

The Directive explicitly addresses the digital dimension of violence, requiring Member States to criminalize online offences such as cyberstalking, cyber harassment, image-based abuse (including deepfakes), non-consensual sharing of intimate images, and cyberflashing.[33] It obliges states to ensure that restraining orders, protection measures, and victim services are applicable in digital contexts, and that victims can report cases easily and receive timely support. It further emphasizes the responsibility of authorities to provide access to legal aid, shelters, and psychosocial services, while also ensuring cooperation with online platforms and service providers to remove abusive content. By setting binding minimum standards, the Directive creates a legal benchmark for Kosovo: although not an EU Member State, Kosovo is expected to align its legal and policy frameworks with these obligations as part of the EU integration process.

Obligations deriving from EU Directive 2024/1385

Kosovo must criminalize specific forms of online violence, including cyberstalking, cyber harassment, image-based abuse, deepfakes, and cyberflashing.

Kosovo must make protective measures, such as restraining orders and takedown mechanisms, effective in online environments.

Kosovo must adapt victim services and support systems to include digital safety, legal aid, and rapid response mechanisms for technology-facilitated abuse.

Kosovo must train justice and law enforcement institutions to recognize, investigate, and prosecute digital offences and handle online evidence.

Kosovo must ensure cooperation with internet platforms and service providers to remove abusive content and preserve evidence.

Kosovo must collect comparable, sex-disaggregated data on online and offline violence, in line with EU standards, to monitor progress and improve responses.

KOSOVO LEGAL AND INSTITUTIONAL FRAMEWORK

Having outlined Kosovo's international and regional obligations, it is equally important to examine the domestic legal and institutional framework. This section looks at the Constitution, legislation, by-laws, and the mandates of key institutions to assess how Kosovo regulates and responds to technology-facilitated gender-based violence and hate speech at the national level.

31 Ibid.

32 Ibid.

33 Ibid Article 9.

THE CONSTITUTION OF THE REPUBLIC OF KOSOVO

The Constitution is the supreme legal act. Article 7.2 makes gender equality a fundamental value and obligates the state to ensure equal opportunities for men and women in political, economic and social.[34] Article 24 guarantees equality before the law and prohibits discrimination on grounds such as gender, sexual orientation or other status and allows affirmative measures for groups in unequal positions.[35] Other fundamental rights include protection of privacy and personal data (Article 36). freedom of expression (Article 40) and freedom of media (Article 42), both of which may be limited by law to prevent inciting hatred or violence.[36] These provisions establish a rights based framework and allow legislative measures to protect individuals from discrimination and abuse.

The constitution's equality and non discrimination clauses provide a foundation for addressing technology facilitated violence. Freedom of expression and media are protected, but limitations are permitted when speech encourages violence or hostility, thereby allowing statutory restrictions on hate speech. The right to privacy prohibits arbitrary interference with communications and personal data, which can support legal remedies for doxxing or unauthorized distribution of intimate images. However, the constitution does not itself define hate speech or online harassment; these concepts must be elaborated by ordinary legislation. While the constitution mandates gender equality and equality before the law, it contains no specific provisions on technology-facilitated abuse or digital rights. The absence of explicit definitions leaves the task of addressing TFGBV and online hate speech to subsequent legislation. Provisions on limitations of freedom of expression are broad and could be interpreted restrictively, potentially impacting legitimate speech if not carefully implemented. The constitution also does not provide enforcement mechanisms or remedies for online harms, which may hinder effective redress without detailed laws and institutional frameworks.

LAW NO. 05/L-020 ON GENDER EQUALITY

Law No.05/L-020 on Gender Equality guarantees, protects and promotes gender equality as a fundamental value and sets general and specific measures for achieving equal treatment of men and women.[37] It applies to public and private spheres, including political and public life, employment, education, health and other sectors oik-rks.org. Definitions cover gender equality, equal treatment, direct and indirect discrimination, harassment and sexual harassment.[38] The law obligates institutions to mainstream gender in policies, ensure equal representation (50 % quota), collect gender-disaggregated data and allocate resources for gender equality. Special measures may include quotas, support programmes, preferential recruitment and economic empowerment.[39]

The law's definitions of harassment and sexual harassment can encompass online conduct: harassment is any unwanted conduct related to gender or gender identity that creates a hostile environment.[40] These definitions provide a legal basis to address online abuse directed at women, including women politicians or activists. Obligations on institutions to mainstream gender and promote equal representation mean that public bodies, political parties and media should adopt measures to combat sexist or hateful content. The 50 % representation requirement in public offices counters the under-representation of women in politics and can reduce gender-based violence stemming from power imbalances. However, the law does not expressly reference technology-facilitated harassment or digital rights.

Overall, the he law focuses on structural gender equality and does not define technology-facilitated violence or cyber harassment. It lacks procedures for reporting, investigating or sanctioning online abuse, and enforcement depends on other laws. There is an inconsistency between the 50 % gender quota under this law and the 30 % quota in the elections law, creating ambiguity about which applies in political processes. Without specific digital-violence provisions, institutions may not prioritize online harassment against women in politics.

34 Assembly of the Republic of Kosovo, Constitution of the Republic of Kosovo, 2008, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702
35 Article 24
36 Article 40 and 42
37 Assembly of the Republic of Kosovo, Law No 05/L-020 on Gender Equality, 2015, at: https://oik-rks.org//wp-content/uploads/2018/08/LAW_NO._05_L-020_ON_GENDER_EQUALITY.pdf#:~:text=1.11.%20Harassment%20,degrading%2C%20humiliating%20or%20offensive%20environment
38 Ibid.
39 Ibid.
40 Articles 1.11 and 1.12

LAW NO. 05/L-021 ON PROTECTION FROM DISCRIMINATION

Law No. 05/L-021 on Protection from Discrimination establishes a general framework to prevent and combat discrimination on a wide range of grounds including sex, gender identity and sexual orientation.[41] It applies to acts or omissions of public authorities, private entities and individuals in areas such as employment, education, access to goods and services, housing and participation in public life.[42] Discrimination is defined broadly, covering direct and indirect discrimination, harassment (including sexual and psychological), incitement to discrimination and victimization.[43] The law permits affirmative actions to eliminate disadvantages and designates responsibilities to institutions such as the Ombudsperson and the Office for Good Governance to receive complaints and monitor compliance.[44]

Kosovo's laws address harassment in general, but without explicit definitions of cyberstalking, doxxing, or image-based abuse, victims face serious gaps in protection.

Ariana Qosaj-Mustafa, Legal Expert

Harassment is defined as unwanted conduct that violates dignity and creates a hostile environment which can include online bullying, sexist slurs or political harassment of women in public life. Incitement to discrimination includes promoting hatred on protected grounds, allowing the law to be used against hate speech online.[45] The law applies to both public and private actors, so digital platforms, media outlets and political parties could be held accountable for discriminatory content. The Ombudsperson's mandate to assist victims and investigate cases provides an institutional pathway for addressing online discrimination. However, overall he law does not mention technology-facilitated violence or provide guidance on handling online harassment. Its broad definitions may be difficult to apply to specific digital contexts without supplementary regulations. Enforcement relies heavily on the Ombudsperson, which may be under-resourced, and there are no explicit penalties for online discrimination beyond general civil remedies. Victims may face difficulties proving digital harassment due to evidentiary challenges not covered by this law.

LAW NO. 08/L-185 ON PREVENTION AND PROTECTION FROM DOMESTIC VIOLENCE, VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE

The Law No. 08/L-185 on Prevention and Protection from Domestic Violence, Violence Against Women and Gender-Based Violence Adopted in 2023, this law aims to prevent domestic violence, violence against women and gender-based violence, eliminate discrimination and promote gender equality and women's empowerment.[46] It is mandatory for public and private institutions, civil society and professionals; it applies mainly in civil and administrative justice systems but may supplement criminal proceedings.[47] The law provides definitions, including domestic violence, violence against women and political harassment, acts of pressure, persecution or threats against female candidates or public officials intended to limit or disrupt their functions.[48] Courts can impose protective measures such as restraining orders and electronic monitoring by the police. The Ministry of Justice must establish an electronic information system for recording domestic-violence cases, and all institutions must register cases within 24 hours.[49]

41 Aeembly of the Reublic of Kosovo, Law No 05/L-021 on Protection From Discrimination, 2015, at: https://oik-rks.org//wp-content/uploads/2018/08/LAW_NO._05_L-021_ON_THE_PROTECTION_FROM_DISCRIMINATION.pdf#:~:text=1,the%20principle%20of%20equal%20treatment
42 Ibid.
43 Ibid. Article 3
44 Ibid. Article 7
45 Ibid.
46 Assembly of the Republic of Kosovo, Law Nr 08/L-185 on the Prevention and Protection from Domestic Violence and Violence Against Women, at: https://anjf.rks-gov.net/desk/inc/media/933017C1-72A8-48A5-BF09-AD4B929AAF5E.pdf#:~:text=KAPITULLI%20I%20DISPOZITAT%20E%20PËRGJITHSHME,të%20rregulluara%20me%20këtë%20ligj
47 Ibid.
48 Ibid.
49 Ibid.

The inclusion of "political harassment" directly addresses violence against women in politics. Although the definition does not explicitly mention online platforms, it covers threats, persecution or harassment by any means and thus can apply to digital intimidation or coordinated trolling. Electronic monitoring of offenders and the required electronic information system show recognition of technology's role in monitoring compliance and tracking cases. The law obliges institutions to share data, which can support analysis of online harassment patterns. However, the substantive provisions focus on family and intimate-partner violence rather than broader online hate speech. Overall, While the law defines political harassment, it does not detail procedures for handling online abuse or specify penalties for digital stalking and cyber-harassment. The electronic case-management system must balance data sharing with confidentiality, yet the law provides little guidance on privacy safeguards. Overall, the law focuses on domestic and gender-based violence in physical contexts and only indirectly addresses technology-facilitated abuse.

CRIMINAL CODE OF THE REPUBLIC OF KOSOVO (NO. 06/L 074, AS AMENDED)

The Criminal Code criminalizes a wide range of offences. Relevant to TFGBV are provisions on harassment (Article 182), defined as a pattern of repeated unwanted attention or communication, including following, appearing at someone's home or work, repeated phone calls, sending messages or emails, that is intended to harass or intimidate the victim; penalties include fines or imprisonment up to three years with aggravating factors for domestic relationships or use of weapons.[50] Sexual harassment (Article 183) punishes unwanted verbal, non verbal or physical conduct of a sexual nature that violates dignity and creates a hostile environment.[51] Article 141 prohibits the public incitement or spread of hatred, discord, or intolerance directed at national, racial, ethnic, or other protected groups. Importantly, the provision expressly includes sexual orientation and gender identity among these protected grounds, meaning that any public call for hostility or discrimination against individuals on the basis of their gender identity falls within the scope of this criminal offence. This establishes a clear legal basis for addressing hate-motivated conduct targeting LGBTI persons, including in online environments where such incitement frequently occurs.[52] The Code also criminalizes unauthorized access, interception and recording of electronic communications (Articles 200–202), penalizing unauthorized intrusion into computer databases, interception of communications, and unauthorized photographing or recording of individuals in private settings Courts may restrict a convicted person's use of computers or internet as part of probation.[53] According to the most recent amendment of the Criminal Code in 2023, the legislation was further strengthened to address violence against women in public life. The new provision criminalizes acts of physical, psychological, sexual, or economic violence, whether direct or indirect, committed with the intent to intimidate or coerce women exercising or seeking public functions. Sanctions include fines and imprisonment, with harsher penalties when such offences are carried out in an organized manner. [54]

The law recognizes political harassment, which can extend to online abuse, and acknowledges technology through electronic monitoring and data-sharing systems.

However, it mainly focuses on domestic and physical gender-based violence, offering limited guidance on online harassment, cyber-stalking, penalties, or privacy safeguards.

Without clear definitions of cyberstalking, doxxing, or deepfakes, prosecutors lack the tools to act and victims are left unprotected.

Leonida Molliqaj, Women's Rights Activist and Journalist

The harassment and sexual-harassment articles apply to online abuse: sending repeated emails or messages intending to harass constitutes a criminal offence. Hate-speech provisions cover public incitement of hatred based on ethnicity, sexual orientation or gender identity. which can include digital content. Offences involving unauthorized access, interception and recording address non-consensual sharing of private data or images common in TFGBV. The ability to ban offenders from using the internet gives courts a tool to prevent recidivism. Together, these provisions criminalize many forms of cyber-harassment, cyberstalking, doxxing and non-consensual pornography. Overall, although the Code criminalizes harassment and incitement, it does not define cyberstalking or online gender-based violence specifically. Hate-speech provisions focus on protected characteristics but do not explicitly include sexism or misogyny; gender-based hatred may thus fall through gaps unless interpreted broadly. Enforcement can be challenging due to evidentiary issues and lack of digital-forensics capacity. The Code also does not address liability of digital platforms for hosting unlawful content, leaving a regulatory gap for online hate speech.

The 2023 amendament is an encouraging step that shows there is genuine commitment to better protect women in public life. It will be important to extend these protections to technology-facilitated abuse as well, but the reform gives confidence that progress is possible.

Ariana Qosaj-Mustafa, Legal Expert

There is a clear priority reform: the Criminal Code must explicitly recognize technology-facilitated gender-based violence and criminalize its most common forms, cyberstalking, doxxing, non-consensual image sharing, deepfakes, and coordinated harassment.

Medine Dauti, Activist and Researcher on Digital Violence Against Women

CRIMINAL PROCEDURE CODE OF KOSOVO (NO. 08/L 032)

The 2022 Criminal Procedure Code sets rules guaranteeing fair criminal proceedings and ensuring restrictions of rights only as provided by law.[55] It recognizes audio and video recordings as evidence and allows electronic means to capture testimony.[56] Special investigative measures permit surveillance of telephone numbers, email addresses, IP addresses and IMEI numbers for serious offences, including sexual harassment and threats against candidates.[57] Undercover investigators may use technical means to record audio or video during investigations.[58] Search and seizure rules apply to electronic devices such as computers, mobile phones and storage media, and electronic documents like emails or text messages are recognized as documenta-

50 Assembly of the Republic of Kosovo, Code No. 06/L-074, Criminal Code of the Republic of Kosovo, at: https://www.kosovopolice.com/wp-content/uploads/2020/07/criminal-code-of-the-Republic-of-Kosovo.pdf

51 Ibid. Article 183

52 Ibid. Article 141

53 Ibid.

54 Amendment to the Criminal Code, 2023, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413

55 Assembly of the Republic of Kosovo, Criminal Procedure Code No. 08/L-032, at: https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf#:~:text=Purpose%20and%20Scope%201,defined%20by%20the%20present%20Code

56 Ibid.

57 Ibid.

58 Ibid.

ry evidence. The code also provides procedures for digital forensics: authorized experts examine seized computer equipment, recover deleted files and metadata, and document chain of custody. The code enables law enforcement authorities to investigate cyber harassment and online hate speech by authorizing surveillance of electronic communications and IP addresses for offences such as sexual harassment or threats against candidates. Recognizing electronic documents as evidence allows victims to use emails, messages and social media posts to prove harassment or hate speech.[59] Digital forensics procedures facilitate extraction of data from devices used in cyber crimes, which is crucial for prosecuting TFGBV. Undercover operations and technical recordings can help gather evidence against perpetrators who operate in anonymous or closed online spaces.[60] Overall, he code does not specifically list TFGBV or online hate speech as offences triggering special investigative measures; instead, it relies on general categories such as sexual harassment or threats to candidates. Surveillance measures require court orders and are limited to serious offences; harassment might not always meet the threshold. The code does not address victim protection during digital investigations, such as safeguarding privacy of sensitive data. Coordination between prosecutors, cyber-forensics experts and victims needs improvement to make these tools effective against online abuse.

Additionally, police do not have a mandate to order the removal of offensive online pages, nor can they confiscate laptops, hard drives, or phones unless a criminal offence is clearly established.[61] As a result, many cases cannot proceed. In addition, META (Facebook and Instagram) does not recognise Kosovo as a state and therefore does not cooperate with law-enforcement authorities on requests to remove harmful content.[62] Numerous pages openly attack and bully women in politics, and although their targeting may not always meet the threshold of a criminal offence, the harm they cause is significant.

Additionally, experience from legal professionals also indicates that courts frequently prioritise freedom of expression over restrictions on harmful content, often interpreting such cases as protected speech rather than hate speech.[63]This practice increases the likelihood that similar online attacks against women in politics will remain unaddressed, even when the harm is clear.

LAW NO. 08/L-173 ON CYBER SECURITY

Adopted in 2023 and entering into force in March 2024, this law addresses cybersecurity challenges and establishes a Cyber Security Agency (CSA) as the central authority for coordinating cyber security policies.[64] The law mandates the creation of regulatory frameworks and foresees the CSA as an executive agency responsible for regulating two categories of entities: operators of essential services (public or private bodies managing critical infrastructure) and digital service providers (entities offering online services such as marketplaces, search engines and cloud computing).[65] The CSA coordinates and monitors activities of critical infrastructure and sectoral incident response teams, manages incident response and facilitates intelligence exchange. Article 23 establishes a National Cyber Security Council to provide strategic guidance.[66]

The law is primarily concerned with protecting critical infrastructure and coordinating responses to cyber incidents. By establishing the CSA and obligating operators and digital service providers to implement security measures, it may indirectly improve the security of platforms where harassment occurs. Requirements for incident response and network security could facilitate quicker responses to cyber attacks targeting women in politics or public life.

The planned sub legal act on rules and security measures for children's access to the Internet. indicates recognition of harm online, though it focuses on minors rather than adults. The creation of a cyber security training centre may build expertise among officials to handle cyber incidents and could incorporate TFGBV modules. he law does not include specific provisions on cyber-crime or technology-facilitated

59 Ibid.
60 Ibid.
61 Besarta Breznica, Kosovo Women's Network, 2025
62 Ibid.
63 Liridon Salihu, Groupl for Legal and Political Studies, November 2025
64 Assembly of the Republic of Kosovo, Law No.08/L-173 on Cyber Security, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=70933
65 Ibid.
66 Ibid. Article 23

CRIMINAL PROCEDURE CODE (2022)

Audio, video recordings and electronic testimony are legally recognized as evidence.

Emails, messages and social media posts can be used to prove harassment or hate speech.

Special investigative measures allow surveillance of phone numbers, IP addresses and IMEI numbers for serious offences.

Digital forensics experts may recover deleted files, metadata and document chain of custody.

Undercover investigators may record audio or video to expose anonymous online perpetrators.

gender-based violence; the regulation of cyber-crimes is left to the Criminal Code and other legislation. Sub-legal acts required to implement the law have been delayed, only four of twelve were adopted by 2024, leaving obligations vague. There is no mention of digital rights, online harassment or hate speech, and the categories of operators do not clearly cover social-media companies where TFGBV occurs. Without clear mandates for victim protection or cooperation with gender-equality bodies, the law's relevance to TFGBV remains indirect.

LAW NO. 08/L-228 ON GENERAL ELECTIONS (2023)

Adopted in June 2023 after a long electoral-reform process, the Law on General Elections (LGE) governs parliamentary elections and replaces the 2008 law.[67] It maintains an open-list proportional representation system for 100 of the 120 parliamentary seats, while 20 seats remain reserved for non-majority communities. Candidate lists must respect a gender quota: Article 28 requires that at least 30 % of candidates be women and at least 30 % be men, and that candidates from each gender appear at least once in every group of three.[68] Political entities that exceed this threshold receive an additional one-percent public funding bonus for each mandate won by women.[69] Article 111 governs seat allocation: after votes are tallied and lists reordered by preferential votes, at least 30 % of seats awarded to each political entity must go to the minority gender; if this is not achieved, the last elected candidate of the majority gender is replaced by the next candidate of the minority gender.[70] Article 112 requires that any departing member of parliament be replaced by the next eligible candidate of the same gender to maintain the quota.[71] Beyond gender representation rules, the LGE modernises election administration. It empowers municipal election commissions to conduct voter education activities and digitalises the registration process for out of Kosovo (diaspora) voters.[72] The law sets more detailed criteria for candidate eligibility and prescribes that the Office for Registration, Certification and Financial Control of Political Entities (the "Office") acts as the competent oversight authority for political and campaign finance.[73] The law introduces provisions regulating online campaigning and removes previous rules that permitted the arbitrary withdrawal of observers' accreditation. Two media related recommendations, regarding advertisement on online media portals and cooperation between the election administration and major digital providers, are partially addressed but require further subsidiary regulation.[74] Overall, the LGE strengthens the Central Election Commission's independence and financial autonomy and provides more precise rules for campaign finance and voter registration.[75]

Online abuse doesn't just silence individual women, it narrows the democratic space for everyone.

Brikena Avdyli, Academic and Practitioner in Gender Equality, Inclusion, and Electoral Processes

The LGE's gender quota and financial incentives seek to increase women's participation in national politics, which can indirectly reduce gender based violence by challenging male dominated power structures. Requiring detailed campaign finance reporting and empowering an independent oversight office improves transparency and may deter hidden funding of smear campaigns. Digitalising diaspora voter registration and regulating online campaigning acknowledge the importance of technology in elections. The law partially addresses media related recommendations by recognising online advertising and the need to cooperate with digital providers. However, it does not define technology facilitated gender based violence or online hate speech, nor does it establish rules for monitoring or sanctioning digital harassment. The new provisions on online campaigning lack clarity and subordinate legislation is still pending, leaving enforcement uncertain. Consequently, while the LGE modernises aspects of election administration, it does not directly protect women candidates from cyber stalking, misogynistic trolling or hate speech. Overall, The thirty percent quota falls short of the parity requirement in the Gender Equality Law, creating a conflict between statutes and signalling limited ambition for gender equality. Several new provisions depend on subordinate regulations that have not yet been issued, leaving digital voter registration procedures, online campaign rules and cooperation with digital platforms undefined. The law does not define hate speech, cyber harassment or other technology facilitated offences, nor does it provide mechanisms for monitoring social media conduct or sanctioning online abuse. Campaign finance reporting lacks interim disclosures and may not capture real time funding of disinformation campaigns. Enforcement remains primarily within the CEC and the new oversight office; coordination with law enforcement and cyber security agencies is not addressed. As a result, despite modernisation, the LGE leaves women candidates and voters vulnerable to digital intimidation and online hate speech. Importantly, neither the Law on General Elections nor the Law on Local Elections discussed below contains any provisions that regulate the conduct of electoral campaigns on digital platforms, including the behaviour of candidates, supporters, political entities, or third parties online. This regulatory vacuum means that online campaigning, where most gender-based attacks against women candidates actually occur, remains entirely unregulated. In practice, this leaves technology-facilitated gender-based violence during election campaigns outside any legal oversight or sanctioning mechanism, exposing women in politics to unchecked misogynistic abuse, smear campaigns, and coordinated harassment throughout the electoral process.

67 Assembly of the Republic of Kosovo, Law No 08/L-228 on General Elections, 2023, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2544
68 Ibid.
69 Ibid.
70 Ibid.
71 Ibid.
72 European Union Election Observation Mission, Kosvo 2025, Final Report, at: https://www.eods.eu/library/EU%20EOM%20Kosovo%202025_Final%20Report_EN.pdf#:~:text=PARTICIPATION%20OF%20WOMEN
73 European Union Election Observation Mission, Kosvo 2025, Final Report, at: https://www.eods.eu/library/EU%20EOM%20Kosovo%202025_Final%20Report_EN.pdf#:~:text=PARTICIPATION%20OF%20WOMEN
74 Ibid.
75 Ibid.

LAW NO. 03/L 072 ON LOCAL ELECTIONS (2008)

Law No. 03/L-072 regulates the election of mayors and municipal assembly members in Kosovo's 38 municipalities.[76] Each municipality constitutes a single electoral district, and municipal-assembly seats are allocated proportionally among certified political entities according to the Sainte-Laguë method enemo.org . There is no legal electoral threshold, and ballots list political entities on an open list; voters mark their preferred entity and may also select a candidate by number. andidate lists must include at least 30 % of the other gender, with a minimum of every third candidate being of the under-represented gender. During seat allocation, at least 30 % of seats awarded to each political entity must go to the minority gender; if this quota is not met, the last elected candidate of the majority gender is replaced by the next candidate of the minority gender until the 30 % threshold is achieved.[77] Mayors are elected separately through a majority system: if no candidate receives more than 50 % plus one of the votes, a second round is held between the two leading candidates.

The LGE introduces some modern reforms but fails to protect women in digital election spaces.

The 30% gender quota falls short of parity, and online campaigning remains largely unregulated. The law does not address online hate speech, cyber harassment, or sanctions for digital abuse, leaving women candidates vulnerable to unchecked online intimidation during elections.

76 Assembly of the Republic of Klosovo Law No 03/L072 on Local Elections in Kosovo, 2008, at: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2549
77 Ibid.

The local elections law contains a 30 % gender quota for candidate lists and seat allocation, which promotes women's representation in municipal assemblies and reduces structural barriers for women in politics. The open list system allows voters to select individual candidates, potentially benefiting women with strong community profiles. Mandatory public financing and spending limits help level the playing field and could deter abusive smear campaigns funded by powerful actors. Nevertheless, the law predates widespread social media use and does not address technology facilitated gender based violence, online harassment or hate speech. It does not regulate digital campaigning, online political advertising or the use of electronic communication for intimidation. The requirement that civil servants resign to contest elections may disproportionately affect women, who are heavily represented in the public sector, reducing the pool of women candidates. Overall, despite including a 30 % gender quota, the law falls short of the 50 % parity principle in the Gender Equality Law and lacks mechanisms to encourage parties to exceed the minimum. It does not address technology-facilitated gender-based violence, failing to define online harassment, cyber-stalking or hate speech. Digital campaigning, social-media advertising and the use of electronic communication by candidates or supporters are unregulated, leaving a gap in accountability for online abuse. Campaign finance rules depend on CEC regulations and may not adequately monitor spending on digital platforms. The conflict-of-interest requirement for civil servants remains a structural barrier to female participation, and the law lacks provisions to mitigate its disproportionate impact. Overall, the absence of clear enforcement mechanisms for gender quotas, media conduct and digital behaviour allows inconsistent application and leaves women candidates vulnerable to online intimidation.

ELECTORAL BODIES AND TECHNOLOGY-FACILITATED VIOLENCE

CENTRAL ELECTION COMMISSION (KQZ/CEC)

The Central Election Commission is the primary authority responsible for organising and administering elections in Kosovo. Its mandate focuses on managing the electoral process, certifying political subjects, overseeing campaign finance reporting, ensuring compliance with gender quotas, regulating media access during campaigns, and issuing procedural instructions. The 2023 Law on General Elections modernises parts of the KQZ's work by introducing basic provisions on online campaigning and strengthening its institutional independence.

However, the law does not give the KQZ any authority to monitor or sanction behaviour in online spaces, even though digital platforms are where most political discussion, and most gender-based attacks, occur. The KQZ's competence remains tied to administrative and procedural matters, such as campaign finance controls, candidate registration, voter education, and media-related equal access rules. There is no legal basis for the Commission to intervene when women candidates are subjected to:

- misogynistic trolling,
- orchestrated smear campaigns,
- threats, stalking, or doxxing,
- deepfakes and manipulated media,
- gendered disinformation on social networks.

The law also does not provide the KQZ with investigative powers, digital monitoring tools, or authority to cooperate with platforms such as Facebook, TikTok, or X (Twitter). As a result, online campaigning remains largely invisible to the electoral administration, despite being a central component of contemporary electioneering.

ELECTION COMPLAINTS AND APPEALS PANEL (PZAP/ECAP)

The Election Complaints and Appeals Panel is the independent body responsible for adjudicating electoral complaints and resolving disputes arising during the electoral process. Its mandate covers violations explicitly listed in the electoral legislation, such as irregularities in campaign finance, misuse of public resources, breaches of media rules, violations of silence periods, or procedural errors by electoral officials. PZAP's authority is strictly legalistic and reactive: it can only decide on matters that fall within the scope of the General Elections Law, the Local Elections Law, and secondary regulations issued by the KQZ.

Because neither electoral law defines online harassment, hate speech, misogynistic attacks, gendered disinformation, doxxing, cyberstalking, nor any other form of technology-facilitated gender-based violence (TFGBV), **PZAP has no jurisdiction to address such conduct.** In practice, this means that even severe online attacks against women in politics, threats, smear campaigns, viral misogynistic memes, coordinated trolling, or deepfake sexualised images, do not constitute an "electoral violation" under current legislation.

As a result, PZAP cannot:

- investigate digital evidence related to online harassment,
- order removal of harmful online content,
- sanction candidates, supporters, or political entities for online abuse,
- require platforms to take down disinformation targeting women,
- provide any remedy to women candidates experiencing digital violence.

Its decisions are limited to matters that are explicitly enumerated in the law. Unless the behaviour falls under an existing category, such as illegal paid advertising, silence-period violations, or misuse of official duty, even the most harmful online attacks fall outside its competence.

CIVIL LAW NO.02/L-65 AGAINST DEFAMATION AND INSULT

This civil law balances freedom of expression with protection of reputation. It defines defamation as publishing an untrue fact or statement that the publisher knows or should know is untrue and that injures a person's reputation.[78] Insult is defined as a statement or behaviour aimed at humiliating another person. The law primarily targets the original author of defamatory content. Importantly, Article 11 introduces an "innocent publication" defence: persons who disseminate or possess unlawful content but did not author it, such as internet service providers or website owners, are not liable unless they knew they were contributing to the dissemination. This provision shields media portals from liability for comments posted by users as long as they had no prior knowledge of the unlawful content. The law requires correction and right of reply but does not empower regulators to force deletion or moderation of comments.

The law also does not provide the KQZ with investigative powers, digital monitoring tools, or authority to cooperate with platforms such as Facebook, TikTok, or X (Twitter).

NATIONAL STRATEGY ON PROTECTION AGAINST DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN 2022–2026

The strategy, adopted by the Ministry of Justice, sets out a comprehensive approach to prevent and address domestic violence and violence against women.[79] The executive summary notes that domestic violence and violence against women are prevalent and violate fundamental human rights. It anchors itself in the Constitution and the Istanbul Convention, which defines violence against women and domestic violence. The strategy acknowledges that violence is rooted in unequal power relations and affects women disproportionately, but also recognizes that men and children can be victims It highlights high prevalence rates and the cultural acceptance of violence, particularly in rural and marginalized communities.[80] Strategic objectives include: (1) prevention through awareness and education; (2) protection of victims and providing services; (3) prosecution and punishment of perpetrators; and (4) coordinated policies and data collection.[81]

78 https://gzk.rks-gov.net/ActDetail.aspx?ActID=2503

79 Ministry of Justice, National Strategy on Protection Against Domesti Vlolence and Violence Agains Women, 2022 - 2026, at: https://kryeministri.rks-gov.net/wp-content/uploads/2022/08/ENG-Strategjia-Kombetare-per-Mbrojtje-nga-Dhuna-ne-Familje-dhe-Dhuna-ndaj-Grave-2022-2026.pdf#:~:text=Domestic%20violence%20and%20violence%20against,on%20Protection%20from%20Domestic%20Violence

80 Ibid.

81 Ibid.

Although the strategy primarily addresses domestic and physical violence, it includes actions to build capacities in policing and cybercrime investigation to address online violence against women. One activity provides for the training of the Police Cybercrime Investigation Unit to prosecute and prevent online violence against women and girls, with community policing to identify and prevent domestic-violence cases. This acknowledges the growing threat of online harassment and the need for law-enforcement training. The strategy also calls for improved data collection and inter-institutional coordination, which can incorporate digital-violence statistics. The strategy lacks a dedicated chapter on TFGBV and does not define online harassment, cyberstalking or digital hate speech. The single activity on training the cybercrime unit is limited and depends on budget and donor support. There is no mention of collaboration with the Cyber Security Agency or media regulators to address online misogyny. Implementation relies on multiple institutions, and coordination challenges may hinder attention to online violence. Monitoring indicators for TFGBV are absent, so progress may not be measured systematically.

LAW ON THE INDEPENDENT MEDIA COMMISSION (NO. 04/L 44, 2012)

The 2012 IMC law defines an "audiovisual media service" as a service under the editorial responsibility of a media service provider that provides programmes to the public through electronic communication networks.[82] Editorial responsibility" is key, the provider must have control over programme selection and arrangement. The law further defines "broadcasting," "broadcaster," and "media service provider" in relation to the transmission of programmes via radio or television.[83] Online portals and comment sections are not mentioned. Because the law ties regulation to editorial control and the transmission of scheduled programmes to the public, it does not apply to user-generated comments, which are produced and posted by users rather than by the media service provider. The IMC issues licences, adopts sub-legal acts, monitors compliance and can impose sanctions. It may issue warnings, fines, impose conditions, suspend programmes or withdraw licenses. The commission's jurisdiction is limited to audiovisual media service providers whose editorial decisions are made in Kosovo.[84] Since online portals and their comment sections lack a license and fall outside the definition of audiovisual media services, the IMC cannot apply these sanctions to user comments.

The IMC law was written for a different media landscape, one dominated by television and radio. Its focus on editorial responsibility means it can sanction broadcasters, but it has no mandate over online portals or the toxic comment sections where much of today's misogynistic abuse occurs. The result is a regulatory gap: while the IMC can fine or even suspend a broadcaster, it is powerless when the same content spreads unchecked online.

Leonida Molliqaj, Women's Rights Activist and Journalist

82 Assembly of the Republic of Kosovo, Law No.04/L-044 on the Independent Media Commission, 2012, at: https://www.kpm-ks.org/assets/cms/uploads/files/LAW%20No.%2004%20L-044%20ON%20THE%20INDEPENDENT%20MEDIA%20COMMISSION.pdf#:~:text=1,shall%20have%20the%20following%20meanings

83 Ibid.

84 Ibid.

THE PRESS CODE OF KOSOVO

The Press Code of Kosovo is a self-regulatory instrument adopted and overseen by the Press Council of Kosovo (PCK), an independent body established in 2005 to uphold ethical standards in print and online media.[85] The Code sets out the core principles of responsible journalism, including accuracy, objectivity, fairness, protection of sources, respect for privacy, and avoidance of discrimination or hate speech. The PCK, composed of representatives of media and independent members, functions as a complaints mechanism: it receives submissions from the public about alleged breaches of the Code and issues decisions that, while not legally binding, are intended to ensure accountability and strengthen public trust in media. [86]

The Press Code specifically prohibits publishing material that incites hatred or discrimination on the basis of gender, ethnicity, religion, or other protected grounds, and obliges journalists to respect human dignity and avoid content that could stigmatize or humiliate individuals. In 2024, the Code was amended to address artificial intelligence in journalism, requiring transparency in its use and safeguarding against discrimination or harm. These developments demonstrate the Code's adaptability to new challenges in the media landscape.

However, the Press Code does not contain explicit provisions on technology-facilitated gender-based violence (TFGBV), such as online harassment, misogynistic trolling, or the non-consensual dissemination of intimate images. While its prohibitions on discrimination, incitement to hatred, and violations of privacy could be interpreted to cover certain forms of digital abuse, this remains indirect and dependent on broad interpretation by the PCK. For example, misogynistic hate speech in online comment sections or media portals could fall under the prohibition of discrimination and incitement, but the Council has no jurisdiction over user-generated content that is not directly produced by journalists or editorial staff. This leaves a significant gap in protection, particularly as much of the online abuse targeting women in public life occurs in unmoderated comment sections or social media platforms beyond the Code's reach. In summary, while the Press Code of Kosovo provides a normative basis for ethical journalism and offers potential interpretive space to address gender-based hate speech online, it does not directly regulate or sanction technology-facilitated forms of violence. Its scope is limited to professional journalistic content, and enforcement relies on voluntary compliance. This highlights the need for stronger legal and regulatory measures that specifically address TFGBV in digital environments, while ensuring that the media sector contributes to prevention and awareness-raising in line with international standards.

Media portals and social platforms act as gatekeepers. When headlines recycle sexist tropes, spread rumors, or ignore toxic comment sections, they amplify misogynistic narratives and erode women candidates' credibility.

Medine Dauti, Activist and Researcher on Digital Violence Against Women

85 Press Council of Kosovo, Press Code of Kosovo, at: https://www.presscouncils.eu/codes/54_xk/

86 Ibid.

FINDINGS AND ANALYSIS OF THE LEGAL AND INSTITUTIONAL FRAMEWORK

The following section presents the main findings of the legal analysis, highlighting how Kosovo's framework addresses technology-facilitated gender-based violence (TFGBV) and online hate speech. Rather than reviewing each law individually, the analysis groups the results into key categories of problems and gaps. This approach allows a clearer view of systemic weaknesses and their implications for women's rights and participation in public life.

LACK OF EXPLICIT DEFINITIONS AND CRIMINALIZATION OF TFGBV

Kosovo's legislation does not provide precise definitions or comprehensive criminalisation of the most widespread forms of TFGBV. While the Criminal Code criminalises harassment (Article 182), sexual harassment (Article 183), and incitement to hatred (Article 141), it does not define or explicitly address newer digital manifestations such as cyberstalking, doxxing, non-consensual dissemination of intimate images, deepfakes, or cyberflashing. These acts are explicitly recognised in the EU Directive 2024/1385, which sets minimum standards for criminalization across Member States. The absence of parallel provisions in Kosovo's Code means that victims face uncertainty when reporting incidents and prosecutors lack clear legal bases for action.

Similarly, the Law on Gender Equality (05/L-020) defines harassment broadly, which could include online conduct, but it does not mention digital abuse directly or provide mechanisms for reporting and redress in online contexts. The Law on Protection from Discrimination (05/L-021) prohibits harassment and incitement, but again lacks operational guidance for digital platforms. This piecemeal approach leaves a grey zone where harmful online behaviour is pervasive but inadequately addressed.

INCONSISTENCIES AND GAPS ACROSS THE LEGAL FRAMEWORK

The legal framework contains contradictions that weaken its coherence. A stark example is the clash between the 50% quota in the Law on Gender Equality and the 30% quota in both the General Elections Law (08/L-228) and the Local Elections Law (03/L-072). This inconsistency undermines the constitutional principle of gender equality and fails to reflect CEDAW General Recommendation No. 23 on women in political life, which calls for temporary special measures to achieve parity.

Hate speech provisions are similarly uneven. While the Criminal Code prohibits incitement to hatred on grounds of ethnicity, race, or sexual orientation, it does not explicitly criminalise sexism or misogyny as forms of hate speech, despite repeated findings that online discourse in Kosovo is saturated with misogynistic slurs. By contrast, both the Istanbul Convention (Article 40) and EU Directive 2024/1385 require states to recognize sexual harassment and gendered hate speech as violations of women's rights. The Civil Law on Defamation and Insult (02/L-65) further compounds this by shielding online media portals from liability for user-generated comments unless prior knowledge is proven, effectively leaving thousands of misogynistic comments outside accountability.

Technology-Facilitated Gender-Based Violence in Kosovo: KEY LEGAL GAPS

TFGBV acts (cyberstalking, doxxing, image-based abuse, deepfakes) **are not explicitly criminalised.**

Misogynistic comments on portals and social media **rarely sanctioned.**

Online harassment of women candidates are **not monitored.**

PROCEDURAL AND EVIDENTIARY BARRIERS TO JUSTICE

Even where relevant provisions exist, procedural rules often prevent victims from accessing justice. The Criminal Procedure Code (08/L-032) allows digital evidence such as emails or social-media posts to be admitted, but investigative measures such as surveillance or undercover operations are only available for "serious offences." Many forms of online harassment—though harmful—do not meet this threshold, leaving prosecutors without adequate tools to investigate.

Victims also face difficulties in proving digital harassment, particularly in cases involving anonymous accounts, encrypted messaging, or foreign-based servers. The Istanbul Convention (Article 49) and the EU Directive 2024/1385 both emphasise the need for rapid, victim-centred procedures including takedown mechanisms, content preservation, and emergency restraining orders. Kosovo has no such mechanisms in law. The result is that victims are required to carry the evidentiary burden, often at great personal cost, while harmful content remains online and continues to cause damage.

WEAK INSTITUTIONAL MANDATES AND LIMITED ENFORCEMENT

Kosovo's institutions have clear areas of responsibility, lections, media regulation, discrimination, or cybersecurity, but none holds a strong or explicit mandate to address technology-facilitated gender-based violence. Their authority remains too narrow or underdeveloped to respond effectively to online harms.

For instance, the Cyber Security Agency (08/L-173) is focused on protecting critical infrastructure and managing cyber incidents, but its scope does not extend to safeguarding individuals from online harassment or gender-based abuse. The Independent Media Commission (04/L-44) regulates audiovisual broadcasters but has no jurisdiction over online portals or comment sections, where most misogynistic discourse occurs. The Ombudsperson, although mandated to handle discrimination complaints, remains under-resourced and lacks specialised expertise in digital gender-based violence, resulting in limited impact.

This weakness is particularly evident in the electoral context. The Central Election Commission (CEC) can regulate candidate lists and campaign finance but has no authority to monitor or sanction online smear campaigns, misogynistic trolling, or coordinated disinformation against women candidates. The absence of enforcement powers in this domain leaves women exposed during the very moments when visibility and protection are most critical. The result is not institutional overlap but rather a series of narrow, under-enforced mandates that leave significant gaps in prevention, protection, and accountability. This falls short of the Istanbul Convention's requirement for integrated and coordinated policies and GREVIO's guidance on ensuring that institutions have the competence and resources to address the digital dimension of violence against women.

INSUFFICIENT PREVENTIVE MEASURES IN ELECTIONS, MEDIA, AND ONLINE PLATFORMS

Preventative measures are limited and reactive. The General Elections Law (08/L-228) and Local Elections Law (03/L-072) modernize administrative processes and impose quotas but contain no provisions on preventing online harassment of candidates. The new General Elections Law includes references to online campaigning but leaves critical details to subordinate regulations that have yet to be issued. This leaves women candidates exposed to misogynistic abuse during campaigns, abuse that has been documented repeatedly in 2021 and 2025 elections.

The Independent Media Commission Law (04/L-44) predates social media and does not regulate user-generated content or online portals, leaving misogynistic comment sections entirely unregulated. Civil society monitoring shows that nearly 90% of hate-speech comments online come from men, with sexist insults directed at women politicians and journalists. International standards such as the EU Directive 2024/1385 explicitly require cooperation with online platforms to remove abusive content and preserve evidence, an obligation absent in Kosovo's framework.

Prevention strategies remain weakly institutionalized. The National Strategy on Protection against Domestic Violence and Violence against Women (2022–2026) includes a single activity on training cybercrime investigators but does not dedicate a chapter to TFGBV. There is no systematic approach to digital literacy, awareness campaigns, or collaboration with media and platforms. Without proactive safeguards, women continue to self-censor, withdraw from online debates, and limit political participation.

CONCLUSION

The analysis shows that Kosovo's current framework is not fully prepared to address technology-facilitated gender-based violence (TFGBV) and online hate speech. While constitutional guarantees and general equality laws exist, they remain too vague and weakly enforced to deal with the realities of digital abuse.

Key gaps include the absence of clear definitions and criminalisation of offences such as cyberstalking, doxxing, deepfakes, and image-based abuse; inconsistencies between laws, such as conflicting gender quotas and uneven hate-speech provisions; and procedural barriers that make it difficult for victims to secure evidence, takedowns, or rapid protective measures. Institutional mandates are narrow and underpowered: agencies like the Cyber Security Agency, Independent Media Commission, Ombudsperson, and Central Election Commission each play a role but lack explicit authority or enforcement capacity on online gender-based harms. Preventive measures in elections, media regulation, and digital platforms remain underdeveloped, with most initiatives left to civil society.

Overall, Kosovo's framework remains misaligned with international standards, including CEDAW, the Istanbul Convention, and EU Directive 2024/1385, which call for clear definitions, rapid remedies, empowered institutions, and integrated prevention strategies. The consequences go beyond individual harm: digital abuse silences women, discourages participation in politics and public life, and weakens democratic processes. Without harmonizing its laws, strengthening mandates, and adopting proactive safeguards, Kosovo will remain unable to ensure safe and equal participation for women in the digital sphere.19.
Require annual data collection and publication of TFGBV cases by police, courts, CEC, IMC, and CSA, disaggregated by gender, age, and type of abuse, in line with EU stan

RECOMMENDATIONS

LEGISLATIVE REFORM

1. Amend the Criminal Code to introduce explicit offences for technology-facilitated gender-based violence, including cyberstalking, doxxing, non-consensual sharing of intimate images, deepfakes, and cyberflashing, in line with the EU Directive 2024/1385, the Istanbul Convention (including GREVIO guidance on the digital dimension of violence), and CEDAW General Recommendations No. 19 and 35 on gender-based violence.

2. Amend Article 141 of the Criminal Code to explicitly criminalize misogyny and sexism as forms of hate speech, ensuring that gendered hate speech is treated on equal footing with other protected grounds. The amendment should close the current gap where misogynistic slurs and sexist online abuse remain outside accountability, and provide clear definitions and sanctions that enable prosecutors and courts to address hate speech directed at women in politics, journalism, and public life.

3. Amend the Criminal Procedure Code to allow special investigative measures (for example IP tracing, undercover operations, content preservation) for all forms of online harassment, not just "serious offences."

4. Introduce digital restraining orders in the Criminal Procedure Code, empowering courts to order immediate removal of harmful content and ban perpetrators from contacting victims online.

5. Amend the Civil Law on Defamation and Insult to remove the "innocent publication" defense for online portals that fail to moderate misogynistic comments once notified.

6. Amend the Cyber Security Law (08/L-173) narrowly to: (a) clarify that major online platforms operating in Kosovo fall under "digital service providers" for security-incident cooperation; (b) require the CSA to support evidence-preservation and technical cooperation with police/courts on lawful request (for example fast DNS/IP logs, content hashing), and (c) create a cross-agency protocol with the justice sector and the gender-equality bodies for TFGBV cases, while leaving victim protection, takedowns, and sanctions to criminal law, media/online-content regulation, and the Ombudsperson.

7. Review the Law on the Independent Media Commission to clarify its role in relation to online media, and ensure coordination with self-regulatory bodies. Rather than placing all online portals under direct state regulation, strengthen cooperation between the IMC and the Press Council of Kosovo so that misogynistic and gender-based hate speech in online spaces is addressed through self-regulation as a first step, with targeted regulatory intervention only in the most serious or repeated cases.

8. Encourage the Press Council of Kosovo (KMSHK), as a self-regulatory body, to voluntarily adopt specific ethical guidelines on technology-facilitated gender-based violence and misogynistic hate speech in online spaces. These guidelines could promote moderation of comment sections by member outlets, provide direction on removing abusive content once notified, and establish a public complaints mechanism for harmful online comments. Supporting KMSHK to strengthen its self-regulatory practices would help address digital abuse while respecting its independent NGO status.

9. Create clear rules for online electoral campaigning to prevent technology-facilitated violence against women. Develop a regulatory framework that defines unacceptable digital conduct during campaigns, such as misogynistic attacks, targeted disinformation, coordinated trolling, and harmful anonymous pages, and sets procedures for reporting, monitoring, and responding to online abuse. Require political entities to moderate their online spaces, ensure transparency in paid digital advertising, and provide rapid support and remedies for women candidates who face digital attacks.

10. Strengthen the mandate of the ECAP—and, where relevant, the IMC and Press Council of Kosovo (KMSHK)—to address online violence during elections. Amend the electoral laws to recognise online harassment, misogynistic hate speech, doxxing, cyberstalking, deepfakes, and coordinated smear campaigns as electoral violations. Empower the PZAP to review and sanction complaints involving technology-facilitated violence against women candidates, and require cooperation with the IMC and the PCK when harmful content appears in audio-visual or online media spaces. Establish formal coordination between ECAP, the Police, and cybersecurity structures to ensure timely remedies, without extending new mandates to the CEC, given its political nature and limited resources.

PROCEDURAL AND EVIDENTIARY REFORM

1. Establish rapid content takedown procedures obligating courts, police, and internet service providers to remove abusive digital content within 24 hours of a judicial order.

2. Create digital evidence preservation protocols requiring platforms to retain flagged content for a minimum of six months for use in prosecutions.

3. Adopt legal guidelines clarifying admissibility of screenshots, metadata, and digital traces as valid forms of evidence in TFGBV cases.

INSTITUTIONAL MANDATES AND ENFORCEMENT

1. Designate a lead coordinating body (e.g., within the Ministry of Justice or Agency for Gender Equality) with a mandate to address TFGBV across justice, electoral, cybersecurity, and media institutions.

2. Strengthen the Ombudsperson's Office by creating a dedicated digital rights and TFGBV unit with investigative powers and gender expertise.

3. Expand the Central Election Commission's mandate to monitor online campaigning, sanction misogynistic trolling, and regulate digital disinformation targeting women candidates.

4. Require political parties to adopt internal rules against online harassment of candidates, with sanctions for violations linked to campaign finance.

PREVENTION AND VICTIM PROTECTION

1. Integrate TFGBV modules into the National Strategy on Protection from Violence Against Women, including clear objectives, indicators, and monitoring of digital harms.

2. Fund and mandate awareness campaigns on online misogyny and digital safety, run jointly by government, media regulators, and civil society.

3. Introduce digital literacy programs in schools and universities that address gendered online abuse and equip young people with tools to recognize, prevent, and report TFGBV.

4. Require annual data collection and publication of TFGBV cases by police, courts, CEC, IMC, and CSA, disaggregated by gender, age, and type of abuse, in line with EU standards.

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ANNEX 1. GLOSSARY

TERM	DEFINITION
Technology-Facilitated Gender-Based Violence (TFGBV)	All forms of gender-based violence committed, assisted, or amplified through digital technologies and online platforms.
Cyberstalking	Persistent and unwanted surveillance or contact via digital means (messages, emails, tracking) creating fear, intimidation, or distress.
Doxxing	Publishing private or identifying information (address, phone number, etc.) online without consent, often to incite harassment.
Deepfakes	Manipulated synthetic images or videos (often sexual) created with AI to humiliate, threaten, or discredit women.
Cyberflashing	Sending unsolicited sexual images via digital devices or platforms.
Non-consensual Image Sharing (Image-based abuse)	Distributing intimate or sexual images without consent, also known as "revenge porn."
Online Harassment	Repeated, unwanted digital communication (messages, comments, trolling) designed to humiliate, threaten, or silence.
Misogynistic Hate Speech / Gendered Hate Speech	Online content that incites hatred, hostility, or discrimination against women based on gender, including sexist slurs or degrading tropes.
Coordinated Harassment / Trolling	Organized online attacks against women through mass comments, threats, or disinformation.

Digital Threats	Threats of physical, sexual, or psychological harm made through digital communication.
Psychological Digital Abuse	Online actions (shaming, humiliation, manipulation) undermining dignity and mental well-being.
Political Harassment	Acts of pressure, persecution, or threats against women in politics/public life, including online, intended to limit or disrupt their functions.
Defamation and Insult	False or humiliating content harming reputation; in Kosovo, online portals are not liable unless prior knowledge is proven.
Digital Restraining Orders	Court measures to remove harmful content immediately and prohibit perpetrators from contacting victims online.
Content Takedown / Preservation	Mechanisms requiring platforms or authorities to remove abusive content and preserve digital evidence for investigations

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