

POLITIKAKO DOKUMENTI

Hako vash te vijainen kotar duy
ulavde pensionalune skeme vash o
jivde aqhile e seksualuna violencako
ano maripe ani Kosova



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Andripe akale publikipesko sito pherdo godornipe thay yekhuno e Kosovake Centrosko vash Rehabilitipe e Jivde Aqhilengo kotar Tortura (KRCT).

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Akava publikipe sito khetane financimo kotar Evropaki Unia. Olesko andripe sito godornipe e KRCT-ko thay na mothavela musayutnipeya o dikhipeske thavdya e Evropaka Uniako.

1. EKZEKUTIVUNO ANDRIPE

Ani Kosova, o jivde aqhile e seksualuna violencako ano maripe arakhlile yekhe nayekhune institucionalune treteripeya kay hasarela olengo hako vash pherdo riparipe. Biumpulavdo kay vijainde o statusi e civiluna viktimako thay silen hako vash kompensipe sar kotar o bersh 2018, o jivde aqhile, ano momenti kay resen o bersha e penziako, obligingyona te alosaren mashkar o duy krisiyune vijaipya: penzia e phuripaski vay/thay kontribut pokipeski vay odoya e civiluni viktimia e maripeski. Akava samatredipe na numay kay sito ano mamuipe e phudeya e tranzicionalune hakaipesko thay krisi ano zoralipe, numay ini e may shukar mashkarthemutne principyencar vash reparacia e viktimengo e seksualuna violencako ano konflikti.

Kriselinyake decisie phanglo e angluna sura jande sar civiluno invalidi e maripesko kreirinde e angluni krisiyuni baza vash treteripe akala kategoriako. Vash akaya sura, Bazikuni Kriselin ani Prishtina¹ lela decisia ano bersh 2020, decisia koya konfirmisali kotar Apeleski Kriselin² thay palom odova, ano bersh 2021, ini kotar Supremuni Kriselin³, decisindoy yekh vashno precedenti. Ayekha vi, decisie e bersheske 2024 kotar Bazikuni Kriselin thay olengo konfirmipe kotar Apeleski Kriselin ano bersh 2025 vash penjaripe e duyverutna penziako vash e jivdi aqhili e seksualuna violencako ano maripe, konsolidingya ini may dur kriselinyaki praktika, decisindoy standardya kay publikune institucie musay te respektinen. Akaya analiza sila pe resipe te del yekh dikhavni detalimi thay rekomandipya konkretune vash harmonizipe e legislaciako thay administrativuna praktikako e thanutne hako thay e mashkarthemutne standardyenca.

2. KONTEKSTI THAY IDENTIFIKIPE E PROBLEMESKO

Kosova, e miratipeya e krisiyune yaveripyengo kerde pe bersh 2014⁴, lela yekha historikuno bajako penjarindoy e jivde aqhile e seksualuna violencako sar civilune viktime e maripeske. Akava akti reprezentinela yekh vashno anglipe ano tranzicionaluno hako, therindoy resipe te adresinel aqhipya e traynipesko, stigmako thay institucionaluno nabutikeripe.

Pashe akaleske, akava anglipe sito karakterizimo kotar yekh institucionaluno thay krisiyuno quqipe. Kana o jivde aqhile resena o pensionipeske bersha, o them rodela te alosaren mashkar duy hakya kay vijainde prekal baze ko sasutnipe ververutne krisiyune: penzia e phuripeski thay/vay kontribut pokipeski⁵ thay penzie sar civiluni viktimia e maripeski (vijaimi ani baza e riparipeski vash phare hasarya ule ano maripe). Akava alosaripe na sito numay absudri ani darin, numay kerla yekh diskriminipesko treteripe thay na hakyuno.

Akava diskriminipesko treteripe:

- **Ushkavela o hako vash pherdo riparipe** sar si pe mashkarthemutne standardya, leindoy ktor Rezolucia 2467⁶ thay 1325⁷ e Siguripeske Konsilesko e OYTH-gi, godideipya e Komitetesko e OYTH-gi vash Ekonomikune, Socialune thay Kulturake Hakaya⁸, sar vi Deklarata vash Reparaciake Hakaya (Basic Principles on the Right to a Remedy and Reparation, 2005)⁹.
- **Telarela o decisie e qhinda formako e thantuna kriselinyako**, kola shrdinde te penjaren ani palem ovutni rig o hako vash realizipe e duyverutne penziengo ano sure kana o krisiyuni baza thay socialune siton yaverune.
- **Bayarela e dukh thay nahakaibe** pedral yekh grupa e jivde aqhilengi kay akana jivdinde ekstremune traume, stigmatizipe thay amalipesko izolipe.

Akava problemi na samatredingyola numay ko jivde aqhile e seksualuna violencako. Yaver kategorie penjarde kriseya, sar si: pele manusha, invalidya, veteranya, jene e Kosovaka Tromalipeska Agenciako, viktime e seksualuna violencako ano maripe, civilune viktime thay olenge familie, raportinde o yekhune o diskriminipesko treteripe.

Ano sah akala sure, administrativuni praktika e Penzienge Departamentesko sito bazirimo ani nukta 16 e Krisesko gn. 04/L-131 (2014)¹⁰, kova aqhavela o vijaibe e may butse yekh pensionaluni skema kotar themesko bujeti. Numay, nukta 23 e Krisesko gn. 04/L-054 (2011)¹¹ dela shaibe e vastunenge e bazyuna penziako, realizipe e sah hakayengo thay beneficiengo decisime akale kriseya.

Ano nanipe yekhe harmonizime akcesesko, individya e ververutne viktimenge kategoriengo kotar institucie, ji kay arakhlona ano komparime yuridikune situacie. Akava perela ano mamuipe e principeya e **yekhipesko anglo krisi** thay kreirinla yekh **klima e yuridikune nasiguripesko** kay hasarela may buderi qalave viktime, odola kay na silen krisiyuno kapaciteti, akcesi ano avokatya vay phikoipe kotar organizacie e civilune malipesko.

Akava puqipe na sito numay krisiyuno, akava si ko sasutnipe moraluno thay malipesko. Obligipe vash te alsoaren mashkar duy hakaya vijaime prekal cidipe thay buti na sito numay nahakyuno, numay ini qalavela o viktimako diniteti, tiknarela o pakyavipe a no hakaibe thay phiravela principe e pherde riparipesko, kay si stubi e sakola savahtuna politikako vash tromalipe thay kanleipe.

Ano akava kanleipe, treteripe e vijaipyengo e penziengo kay silen ververutni krisiyuni baza musay te dikhlol sar yekh barometri e institucionalune pekipesko thay politikune mangipeso vash savahtuno hakaibe ani Kosova.

ANALIZA E SITUACIAKI

Krisyuni praktika thay kriselinyaki ani Kosova

Puqipe e duyverutne penziengo lela ulavdi sama sar kotar bersh 2020, kana Bazikuni Kriselin ani Prishtina decisingya ano favori yekh civilune invalidesko e maripesko. Vash te lugyaren may dur, e jivdi aqhili e seksualuna violencako ano maripe ani Kosova, koya ano bersh 2021 e krisyune phikoipeya e Kosovake Centrosko vash Rehabilitipe e Jivde Aqhilengo kotar e Tortura (QKRMT), paldingya e theme vash o hako e yekhvahtune vijaipesko e duy ververutne penzionalune skemengo: penzia e phuripaski thay odoya e civiluni viktima e maripeski. Akaya sura reprezentinela sfidipe yekha institucionalune akcesesko kay bershencar samatredingya o socialune hakaya akala qalavde grupako, qhivindoy angle yekh nahakyuno alosaripe.

Ano bersh 2024, Bazikuni Krislein ani Prishtina decisingya ano favori e trin surengo reprezentime kotar KRCT, penjarindoy sar krisyuno o mangipe e jivde aqhilengo e seksualuna violencako e maripesko, vash te vijainen kotar duy penzionalune ulavde skeme, ano ververutne krisyune baze (duy penzie e phuripaske thay yekh penzie thay/vay kontribut pokipeske)¹². Akava si angluni ver kay kriselin penjargya ani eksplicituni rig o hako e jivde aqhilengo e seksualuna violencako vash yekh duyverutni penzia, kreirindoy yekh historikuno precedenti thay yekh nevo standardi ani thanutni yurisprudenca.

Decisie konfirmisale kotar Apeleski Kriselin¹³ ano bersh 2025, iranindoy akava ani yekh konsolidimi praktika kay musay te kerel akana orientipe vash sah organya e publikuna admisnitraciako. Ano olake decisie, Kriselin mothavgya kay o samatredipe e vijaipyengo bazirimo ano ververutne krisyune baze kerla ushkavipe e bazikune principyengo e hakosko, sar si yuridikuno siguripe, yekhipe anglo krisi thay nadiskriminipe.

Sure e bersheske 2024 na siton izolime. Ko palune bersha, so may buderi sure yekhune iklile ini kotar o yaver vijayutne e reparaciake skemengo sar civilune viktime e maripesko, kola obligisale te alosaren mashkar penzia e phuripaski thay odoya e maripeska viktimako.

Hendeko mashkar kriselinyake decisie thay administrativuni praktika

Biumlavdo kotar kreiripe e konsolidimia kriselinyaka praktikako, koya sankcioningya klaro o hako e civilune viktimengo ano maripe vash te vijainen duy verutni penzia, Departamenti e Penziengo lugyarela te phiraven e refuzipaski politika. Akava prastav phikoinela o literaluno interpretipe e nuktako 16 e Krisesko gn. 04/L-131 vash Penzionalune Skeme financime kotar o them (2014), sar si pe aqhavgyla o paraleluno vijaie kotar may buderi se yekh penzionaluni skema financimi kotar themesko bujeti.

Yekh ayekha interpretipe sito kotoruno thay na lela pe dikhipe:

- karakteri *sui generis* e statusesko e kategoriengo e viktimengo ikle kotar maripe, ulavipeya e jivde aqhilengo e seksualuna violencako,
- reparativuni natura thay na kontribuipeski e vijaipyengo kay penjardipe akala kategorie, thay
- fakti kay o hako vash duyverutni penzia na kerla duyverutni e yekhune vijaipesko, numay yekhvahtuno phiravipe e duye krisiyune biumlavde hakyengo.

Ini soske o Departamenti vash Penzie phiravela kriselinyake decisie e qhinda formako vash individualune sure, ov na reflektingya vash akala decisie vash te yaverinel e administrativuni praktika vash o neve yekhuen sure. Departamenti luyarela te phikoingyol ano samatredo interpretipe e nuktako 16 e Kriseko gn. 04/L-131 refuzindoy o penjaripe e hakosko vash duyverutni penzia ani sasutni irg. Akava na phanglipe mashkar e kriselinyaki praktika thay odoya adminsitrativuni perela ano mamuipe e principyencar e yuridikune siguripesko, yekhipe anglo krisi thay koherentuno integripe e krisleinyake decisiengo ani praktika e administrativune sistemsko.

Notadeipe e alternativengo vash alosaripe e duyverutne penziengo puqipesko vash viktime e civilune maripesko

Ano adresipe e nahakyune treteripesko e penziengo e duyverutne penziengo puqipesko vash viktime e civilune maripesko, leindoy kotor o jivde aqhile e seksualuna violencako, egzistinena nesave opcie kay musay te konsideringyon kotar godorne institucie. Sako olendar dela anglipe thay samatredipya nesave kay musay te notadeingyon e sama ani funkcia e institucionalune savahtunipesko, socialuno hakaibe thay krisiyuno harmoniizipe ano than.

Opcia 1:

Harmonizipe e kriseske phiravipesko e decisia e qhinda formako e kriselinyengo

Akaya opcia sila pe resipe o alosaripe e puqipesko prekal direktuno penjaripe (kotar e rig e Departamentesko vash Penzie) e hakosko vash vijaibe duyverutno vash persone kay pherena kriterya vash penzie e phuripasko thay/vay kontributi pokipesko thay pe yekhuno vahti siton vijautune e statusesko e civiluna viktimasko e maripesko. Decisie e kriselinyako e ververutne skalengo decisinde akana precedentya kay konsiderinena hakyuno thay legitimune o pokipe duy verutno kana vijaipya avena kotar ververutne krisiyune baze thay na siton e azhutipeska naturako, numay e hakosko vash vijaibe ani baza e specifikune kriterengo.

Phiravipe akala opciako na rodela khuvipe yekhatar ani legislacia, numay rodela yekh nevo orientipe ano niveli e publikuna administraciako thay harmonizipe e decisiake leipeska praktikako e godorne instituciengo vash penjaripe thay ekzekutipe e vijaipyengo. Akava orientipe shay te realizingyol prekal yekh cirkulipe andruno kotar godorne autoritetya, koya obliginla e sevalutnen te keren buti ano phanglipe e krisleinyake decisiencar.

Anglipya akala opciako siton konsiderime:

- Dela yekh yekhatar alosaripe thay praktika vash unifikipe e administrativuna ptaktikako e mangipyengo vash duyverutni penzia.
- Eliminila o namangle ajukeripya thay dosna aqhipya, garantindoy kay ma te obligingyon o dizune te ajukeren o krisiyune yaveripya vash te realizinel pere hakaya penjarde akana kotar krisleinya.
- Respektinla principi e hakyune themesko thay zorakerla e rola e kriselinyaki sar garantori e konstituciake hakyengo thay krisiyune e dizunengo.
- Tiknarela dikhlo o administrativuno pharipe thay emocionaluno vash o jivde aqhile, penjarindoy o hako bi therdo mangipe vash pheruno arakhipe e krisiyune sistemeya.

Pashe akaleske, akaya opcia na sitoy bizo sfide:

- May angle, ov rodela yekh yaveripe e isntitucionaluna kulturako thay yekh riorientipe e pratsavesko e publikuna administraciako ano raporti e socialune vijaipyencar, so mangla te phenel pherune treningya vash krisiyune thay administrativune sevalutne.
- Duyto, ano nanipe yekha krisiyuna bazako klaro thay uniformuni, riziko e ververutne interpretipesko vay selektivune aqhola prezentuno, anindoy nasiguripe thay nanipe e koherencako ano implementipe.
- Palune, akaya opcia na adresinla ano strukturuno ovipe o problemi, palo kay na yaverinla o krisi.

Opcia 2:

Krisiyuno yaveripe vash klaripe thay harmonizipe

Duyto opcia sila pe resipe vash pherdo, savahtuno thay lunge vahtuno alosaripe prekal khuviye direktuno ani mangli legislacia. Ano akava rami, ka ovel manglo te yaveringyol o krisi vash penzia e phuripeski vay/thay krisi vash statusi thay hakaya e civiluna viktimako e maripesko, e resipeya kay te klairngyon kay vijaipya kay avena kotar o ververutne ketegorie e socialune hakosko, yekh vash sebepi e kontributesko ani buti thay yaver sar riparipesko hako, na duryarena yekh yaver. Yekh klari krisiyuni dispozita kay mekhela o duyverutno pokipe, ano ovipya kana o personi pherela sol duy kriterya, ka elimininel agoripeya o thanipya vash duyverutne interpretipya thay na yekhune praktike.

Akaya opcia dela yekh gendo e darinyune anglipyengo:

- Ov kreirinla yekh zorali thay klaro kriziyuni baza, deindoy agor e administrativune nasiguripyenge thay yuridikune vash implementipeske institucie thay vijayutne.
- Sigurinla yekhuno treteripe vash sah viktime, bi therde mangipe kay on te nakhaven ververutne droma vash te rodel olengo hako.

- Harmonizinla socialune politike thay riparipeske, decisindoy o tranzicionaluno hakaibe ano yekh savahtuno krisiuno binari.
- Pherela o mashakrthemutne standardya vash viktimenge hakaya e seksualuna violencako ano konfliktya.
- Zorakerla o imazhi thay legitimiteti e themesko sar garanteri e dizunenge hakayengo, anbo ulavipe olengo kay jivdinde violenca thay pharo nahakipe ano maripe.

Sar te ovel, akaya opcia arakhlola ini e nesave nanipyencar thay sfide:

- Yaveripe e krisesko sito yekh lugo procesi thay buti ver himimo kay rodela publikuno konsultipe, teknikuno keripe e dispozitengo, parlamentaruno dikhlaripe thay politikuno phikoipe.
- Shay te anel rezistenca ani faza e miraipesko vash sebepi e anglokrisipyengo shayutne vay nanipe e penjaripesko pherdo e viktimenge kontekstesko, ulavipeya e jivde aqhilengo e seksualuna violencako ano maripe.
- Ano harno vahti, implementipe e yaveripyengo shay te rodel teknikuno gatisaripe e sistemasko vash vijaibe thay treningya e sevalutnengo vash phiravipe e neve dispozitengo.

Pashe akaleske, desar akale sfidendar, krisiuno yaveripe aqhila pherdo alosaripe, musayutno thay may savahtuno vash te garantinel o respektipe e viktimenge hakayengo, vash te sigurinel riparipeskjo hakaibe thay vash te angloaqhavel strukturune nayekhipya ano avipe.

REKOMANDIPYA

- ❖ 1. **Ikalipe yekhe cirkulipesko andruno** kotar Ministria vash Finance, Buti thay Transferya, vash te harmonizinel phiraipe e krisesko e decisia e qhinda formako e kriselinyengo.
- ❖ 2. Shrdipe yekhe procesesko vash yaveripe/amandamentipe e Krisesko gn. 04/L-131, kerindoy klaro kay vijaipya kotar pensionalune skeme na duryargyona vijaipya jande sar kotor e riparipesko vash maripeske krimya.
- ❖ 3. Phikoipe vash yekh godinipeske vazdipeski kampanya thay institucionaluni, vash te margyol e stigma thay vash te penjaren o kontributi e jivde aqhilengo ano keripe e tromalipesko thay hakaipesko.

AGORIPYA

Puqipe e duyverutne penziengo vash jivde aqhipe e seksualuna violenako ani Kosova na sito sade yekh administrativuno problemi, numay yekh sheruni prova vash institucionaluno angazhipe vash tranzicionaluno hakaipе thay riparipe e jivde aqhilengo kotar maripe. Pashe e Kosova kay lela historikune bajakya penjarindoy ofisialune akaya kategoria sar civilune viktime e maripesko, olengo duryaripe kota o hako vash te vijainen ko yekhuno vahti penzia e phuropaski thay/vay kontribut pokipeski thay odova e viktimako kerla yekh ushkavipe e mashkarthemutne standardyengo e manushikane hakayengo thay hasarela diniteti akale personyengo.

Analiza e shayutne opciengo, sar kotar harmonizipe e kriseske phiravipesko e decisiencar e qhinda formako e kriselinyengo, ji ko kriseske yaveripya, mothavela klaro kay lugyaripe e aktualune treteripesko sito biakceptimo, ji kay opcia e kriseske yaveripesko dela may sahasatardo alosaripe, hakyuno thay savahtuno vash avipe. Penjaripe e automatizmeya e hakosko vash vijaipе duyverutno vash personya kay pherena kriterya vash penzia e phuripaski thay/vay kontribut pokipeski thay pe yekhuno vahti siton vijayutne e statusesko e civiluna viktimako e maripesko, shay te del yekhatar lokhyaripe thay musay te konsideringyol sar yekhvahtuno bajako direkt yekh hor forma.

Alosaripe vash te garantinen o duyverutno vijaipе na sito numay yekh akti e hakaipesko vash o jivde aqhile, numay yekh buti kay zorakerla o them e hakosko, bayarela o dizunengo pakyavipe thay zorakerla e vizia e Kosovaki vash sahasatardo malipe thay qalavdo vash e trauma thay o nakhipe. Publikune politike musay te reflektinen o realiteti e dukhako, numayu ini aspirata vash diniteti thay yekhipe.

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- ³ Decisia e Supremuna Kriselinyako ani Prishtina, ARJ gn. 77/2021. Data: 17.08.2021.
- ⁴ Kriji gn. 04/L-172 vash Yaveruipë thaj Pheripe e Krisesko gn.04/L-054 vash Statusi thaj Hakaya e Pele manushengo, Invalidya, Veteranya, Jene e Kosovake Tromalipeska Askeriako, Viktime e Seksualuna Violencako e Maripesko, Civilune Viktime thaj olenge Familiarya. Linku: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=9436>
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