

Amendments Proposal to the Action Plan of the

Program for Gender Equality of Kosovo 2020-2024

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**For the client: Center for Affirmative Social Actions - CASA**

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**Introduction**

The adoption of the Kosovo Program for Gender Equality for the period 2020-2024 (KPGE) is an important step for establishing and fostering gender equality in society in Kosovo. The adopted program contains important information about women’s status in different domains (such as the workplace, education, among others) that were gathered within a time frame in accordance with the mechanisms set up by earlier programs enacted by the Government. Based on them, the Program offers detailed guidelines for a wider range of social actors, places gender equality at the center of Kosovo society's transition process, and establishes a road map for accountable institutions to ensure institutional support for Kosovo's women's empowerment and the enjoyment of their full guaranteed rights.

**Opportunities for improvement**

Despite being a fundamental and significant policy document, the Kosovo Program for Gender Equality 2020–2024 (KPGE) does not accurately reflect the complexity of social connections in Kosovo, particularly the position of women from Serb and other non-majority communities as equal communities. This demographic group encounters multiple discriminatory practices in a society whose basic legal framework, the Constitution and laws, guarantee the equality of all citizens regardless of their gender, language, nationality, religious and sexual orientation, etc.

Many women from non-majority communities in Kosovo, including Serb communities, live in isolated, mostly rural areas, with difficult access to information and services provided by institutions at the central level, both due to language barriers and persistent ethnic tensions, which have contributed to socio-economic segregation between ethnic groups. In addition to all that, members of non-majority communities in Kosovo, including women, face problems in realizing rights guaranteed by the Constitution of Kosovo, despite the fact that the highest legal act obliges relevant institutions to implement measures that will lead to the establishment of "complete and real equality between members community in all areas of economic, social, political and cultural life".[[1]](#footnote-1) The provisions of the Constitution of Kosovo are elaborated by the Law on the Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo, which provides for the establishment of "complete and effective equality" (as the aforementioned article of the Law is called) by implementing affirmative action in all spheres of economic, social, political, and cultural life. The term *affirmative measure* is crucial in understanding the Kosovo Program for Gender Equality’s shortcomings as a strategic framework for eradicating gender discrimination. Affirmative measures aimed at establishing gender equality cannot function comprehensively if other forms of discriminatory barriers are not taken into consideration. In the context of this strategy, the prescribed measures must take into account institutional deficiencies and the circumstances of socio-political life in order to achieve targeted and comprehensive data. For example, in the adopted Program and accompanying Action Plan, special attention is devoted to the needs of women from the Roma, Ashkali and Egyptian communities, whose members live in extremely difficult socio-economic circumstances. The declared approach is not wrong, bearing in mind the extremely difficult position of women from the mentioned communities (whose situation is specifically addressed by the Law on Communities of Kosovo), but it does not exclude the need to improve the problematic position of women from other non-majority communities (Serb, Bosnian, Gorani, and others), which would ensure the equality of all recognized non-majority communities in Kosovo and the complete improvement of the position of women from those communities.

These measures are particularly important in the context of ensuring the rights of Kosovo Serb women due to the higher level of segregation of that community in Kosovo and the accompanying factors that affect the fact that this target group encounters obstacles in exercising their rights. The most important of them, which must be taken into account not only in this but also in every other strategic document of the Government of Kosovo, is the following:

* **Difficult access to information** caused primarily by the inadequate implementation of the Law on the Use of Languages in Kosovo, but also by other factors that affect obstacles for women from the Serb community to receive complete information about support programs for strengthening women’s socio-economic position in Kosovo society. For example, any grant scheme, which aims to support women's entrepreneurship, in the given circumstances requires a proactive approach by the institutions not only in translation into the Serbian language but taking into account the specific social dynamics and making additional effort to reach out to the Serbian community, through collaboration with local institutions and media reporting in Serbian, among others. Posting information about these programs on the websites of government institutions or communicating them exclusively through the national media, will serve to increase the number of women in Kosovo Serb communities who receive this information.
* **Restricted access to services**. Related to the previous point, but with a deeper social context, this problem significantly impacts women’s socio-economic advancements. In a survey published by the Kosovo Foundation for an Open Society - KFOS, in 2020, as many as 45% of respondents from the Serb community stated that at some point, they were denied services by an institution at the central level. In addition to the previously mentioned language barriers (lack of or inadequate translations), fear of interaction with the majority community (ethnic distance, perception of freedom of movement, etc.), lack of institutional protection in cases of domestic violence, challenging access to court services, and even the lack of necessary documents due to administrative and legal vagueness have all been cited as reasons.[[2]](#footnote-2)The latter problem was often the subject of warnings from the civil sector when exercising women's rights to legal protection of property during divorce, protection of property rights, marriage registration, and so forth.
* **Partial (selective) implementation of the legal framework that protects the rights of non-majority communities** is a problem that impacts members of non-majority communities, including women. Difficulties in solving these problems arise mainly due to the political nature of this issue, i.e., the necessity of generating the political will to fully apply all legal norms that protect the rights and interests of non-majority communities. As a result, this issue was not reflected in most strategic documents of the Kosovo government, including the Gender Equality Program 2020-2024. For example, the constitutional principle of fair representation of members of non-majority communities in the public sector, codified in the Law on Civil Service (No.03/L-149), foresees a quota of 10% of employees from non-majority communities in public services. This legal norm does not have an accompanying mechanism that would determine the exact percentage of employed members of non-majority communities, and the first and only report dealing with this assessment dates from 2013 and indicates that the legal quota has not been reached (8.2%).[[3]](#footnote-3) A strategic approach to the equal representation of women in the public sector must also include guidelines for fulfilling the obligation to employ women from non-majority communities, and this mechanism can contribute to a significant increase in the employment of women from non-majority communities.
* **The persistent absence of statistics information from Kosovo's Serb population.** Since Kosovo Serbs have boycotted all previous censuses in Kosovo, so no official demographic information exists for that community. An additional problem is seen in outward migration trends, which makes it difficult to estimate the Kosovo Serb population. In such circumstances, it is extremely challenging to plan policies based on statistical data. The Kosovo Program for Gender Equality identified and reported these flaws, but there were no measures to compensate for them.

All these factors must be taken into account in the process of drafting strategic documents, with the essential inclusion of beneficiaries and experts from the Serb community in Kosovo. NGO CASA will deal with this issue in greater detail in the preparation of the final report of the current project, while the goal of this document is to supplement the Action Plan 2023-2024 for the implementation of the KPGE. In that document a number of proposed measures will be proposed, that will be geared at significantly improving the opportunities and rights of women in non-majority communities. The measures are presented according to the structure of the Action Plan, and their order does not represent an indication of priority.

**Proposal for amendments and additions to the measures of the Action Plan for the implementation of the Kosovo Program for Gender Equality**

**I. Strategic Objective 1: Create equal opportunities to contribute to and benefit from comprehensive economic development and improve social protection**

**I. 1. 1 Provision of professional training for women with a special focus on women with a basic level of education and those who have been unemployed for a long time**

The Ministry of Labor and Social Protection of Kosovo is in charge of carrying out this measure, according to the Action Plan, but it is impossible to locate a document in the Serbian language on the official website that would indicate that this measure applies to women from the Serb community who participated in organized trainings. It is necessary to promote the use of this policy to women from the Serbian population in Kosovo for the aforementioned reason.

**Recommendations:**

1. Change the name of measure I.1.1 to read: Provision of professional training ***for women from all communities living in Kosovo***, with a special focus on women with basic education and those who have been unemployed for a long time.

2. In the action section for the implementation of measure I.1.1 prescribe: ***Organize professional trainings in all municipalities in Kosovo, in a language that community members understand, with a proactive approach.***

3. In the section of actions taken for the implementation of measure I.1.1 prescribe: ***The Ministry of Labor and Social Protection is obliged to publish updated lists of training participants, by a municipality, in both official languages.***

**I.1.2 Development of labor market needs analysis**

The available statistical data on the participation of women in the labor market indicate concerning tendencies. Thus, according to the available statistics in 2020, only 14.1% of women were employed. During the Covid-19 pandemic, the percentage of women who lost their jobs (5.3%) was double that of men (2.6%), while 26% of women were sent on unpaid leave, and 19.5% of women did not receive full salary during several months of the pandemic).[[4]](#footnote-4) There is a lot of data that points to discriminatory practices in employment, and the exercise of women's labor rights. However, there is almost no statistical data that will include women in Serb communities.[[5]](#footnote-5) Moreover, by reviewing the activities of the Ministry of Labor and Social Protection, as the competent institution for the implementation of this measure, it is not possible to find the aforementioned analysis in the Serbian language nor is there any data related to that community. In the absence of such data, it is very difficult to prescribe measures adapted to the true needs of women in the Serb community, so the impact of these policies on them is very small. Therefore, it is necessary to make additional efforts for the relevant institutions to extend monitoring mechanisms to all communities living in Kosovo. The availability of this data would enable all social actors, including the civil sector, to target actions that bring more tangible results. Accordingly, we recommend:

**Recommendations:**

4. In the section on actions for the implementation of measure I.1.2 prescribe: ***The Ministry of Labor and Social Protection is obliged to prepare an analysis of the needs of the labor market, which will essentially include women from the Serbian community in Kosovo.***

5. In the section on actions for the implementation of this measure, prescribe: ***The Ministry of Labor and Social Protection is obliged to prepare the analysis from recommendation number 1, which refers to measure I.1.2, in both official languages in use in Kosovo (Albanian and Serbian) and make it available on the official website of the ministry.***

**I.1.7. Informative activities to promote the right to maternity and parental leave**

There are no official data on the proportions and patterns of discriminatory practices in exercising the right to maternity and parental leave in non-majority areas. In the process of preparing this report, NGO CASA organized a series of consultation meetings with women from Serb communities in Kosovo, where major problems were pointed out in terms of exercising the right to maternity leave, and some of the interviewees stated that they know of cases where women after maternity leave, they could not return to their jobs and were fired. According to them, this type of discrimination prevails in the private sector[[6]](#footnote-6) and it is present to the extent that it has become a social norm that women accept because they do not have enough awareness and information. For the stated reason, it is necessary that structural efforts in promoting these rights be extended to women from non-majority communities in Kosovo. Therefore, we suggest:

**Recommendations:**

6. In the action section for the implementation of measure I.1.7 prescribe: ***Competent institutions (Ministry of Labor and Social Protection, Ministry of Administration and Local Self-Government, Ministry of Public Health, Agency for Gender Equality, Chamber of Commerce of Kosovo) are obliged to undertake the necessary actions in order to ensure that the measures from point I.1.7 are also applied to citizens from non-majority communities in Kosovo.***

7. In the section of actions for the implementation of measure I.1.7 prescribe: ***Competent institutions (Ministry of Labor and Social Protection, Ministry of Administration and Local Self-Government, Ministry of Public Health, Agency for Gender Equality, Chamber of Commerce of Kosovo) are obliged to report the implementation of measure I .1.7 and to publish in both official languages.***

**I.1.13 Encouraging the development of existing businesses owned by women through microfinance programs and microcredits**

For the implementation of this very important measure for the economic empowerment of women, the competence of the Chamber of Commerce of Kosovo is prescribed. By looking at the content on their official website, it is not possible to find information in the Serbian language about microfinance and microcredit programs that promote the development of entrepreneurship and business owned by women. Consequently, women from Serbian communities in Kosovo do not have an objective chance to apply for these programs under equal conditions. Therefore, we recommend the following:

**Recommendations:**

8. In the section of actions for the implementation of measure I.1.13, prescribe: ***Competent institutions are obliged to promote the program in a timely manner in both official languages ​​used in Kosovo, and arrange their official communication channels in the Serbian language as well.***

9. In the same section, add: ***Competent institutions are obliged to carry out the promotion of entrepreneurship development programs with a proactive approach in all non-majority communities in Kosovo in cooperation with local authorities, local media, and other partners at the community level.***

**I.2 Specific objective 1.2: Ensuring/improving equal access to rights, freedoms, decision-making, sources and services**

**1.2.19 Raising women's awareness of the possibilities of benefiting from the Program for Agriculture and Rural Development**

Although estimates show that only 3% of all women employed work in the agricultural sector in Kosovo, it is assumed that their number is much higher because it includes family farms and unregistered workers, as well as a large number of women from rural areas who engage in this work as an additional source of income. Although again, there are no official data, it is assumed that the number of women from the Serbian community engaged in agricultural activities is significantly higher due to the fact that the largest number of Kosovo Serbs, almost 75% of them, live in rural areas. That is why access to rural development support programs is a very important element of empowering women from the Serbian community, and as a prerequisite, timely and adequate information for women from non-majority communities about the possibilities and opportunities for support. On the official website of the Ministry of Agriculture and Rural Development of Kosovo, it is impossible to obtain information on the planning of such campaigns, as well as whether or not women from the Serb and other non-majority communities in Kosovo participated in them. That's why we suggest:

**Recommendations:**

10. In the action section for the implementation of measure I.2.19, prescribe: ***The Ministry of Agriculture and Rural Development of Kosovo is obliged to use an active approach to ensure that women from non-majority communities are timely informed about support programs, as well as to encourage their inclusion in capacity building programs and the implementation of new knowledge.***

II. Strategic goal 2: Improvement of gender equality through quality education and health, comprehensiveness and use of human capacities as a contribution to sustainable human development, and elimination of gender inequalities and stereotypes

11. In the action section for implementing measure II.2.1 prescribe: The Obligation of competent institutions to actively include local media reporting in Serbian, Roma, and languages of other non-majority communities in promoting measure II.2.1.

**II.3 Specific goal 2.3 Comprehensiveness in quality health care and health education of the population on gender equality, family planning, and reproductive health**

**II.3.17 Activities to raise awareness about mental health (violence, sexual harassment, bulimia, anorexia, sexuality, etc.)**

Mental health is an often-overlooked aspect of health care. It is not possible to find data as to whether or not the institutions responsible for the implementation of this measure (Ministry of Health of Kosovo, Ministry of Youth and Sports, and other institutions) promoted this campaign in municipalities with a majority Serb population in Kosovo. During the consultation process in the development of this proposal, women, representatives of non-majority communities, pointed to the numerous problems they face in smaller, rural areas, such as a growing sense of isolation, lack of opportunities for social interactions, emigration of friends/family, and the like. Lacking the skills to deal with these problems, a large number of young women fall into lethargy, depression, and anxiety. [[7]](#footnote-7) This problem must receive greater attention.

12. In the action section for the implementation of measure II.3.17 prescribe: ***The competent institutions (Ministry of Health of Kosovo, Ministry of Youth and Sports, and others) are obliged to ensure the implementation of measure II.3.17 in all municipalities in Kosovo with special access to non-majority communities in cooperation with the competent local institutions, civil society organizations and other relevant social actors.***

**III. Strategic goal 3: Improving the realization of rights in decision-making, peace, security, and justice that guarantee the achievement of gender equality**

**III.2 Specific objective 3.2 Increase equal participation and representation in the decision-making process following the requirements of the Law on Gender Equality**

**III.2.4 Implementation of periodic research on the representation of women in decision-making positions in the public and private sectors**

The problem of lack of statistical data from the Serb community is crucial in the process of creating comprehensive and fair policies. The circumstances that lead to those consequences are general socio-political frictions in inter-ethnic relations in Kosovo and are not necessarily a reflection of the inconsistency of the authors/competent institutions that create these policies. However, the result of such a deficit is that many policies and strategies in the application of constitutional/legal norms do not realistically reflect the circumstances and needs of women in non-majority communities. To that end, it is necessary to make more efforts for the structural inclusion of relevant social actors in the process of drafting practical policies and monitoring mechanisms (periodic reports) of the reach of those policies towards non-majority communities. Therefore, this report recommends:

Recommendations:

13. In the action section for the implementation of measure III.2.4 prescribe: ***The Agency for Gender Equality is obliged to conduct periodic surveys on the representation of women in decision-making positions in the public and private sectors, including non-majority communities in cooperation with local institutions, civil society organizations and other relevant social actors.***

***Conclusions***

As previously stated, the purpose of this research is to identify policies that are crucial for ensuring that women from non-majority populations in Kosovo have equal rights and opportunities in the current socio-political environment. The separate suggestions effectively call for central institutions in Kosovo to take a proactive stance toward the full inclusion of women from underrepresented communities, citing their legally mandated obligation.

As opposed to that, by calling for the involvement of local institutions, civil society and media from non-majority communities, this report urges their proactive approach in implementing the Action Plan and measures from the Kosovo Program for Gender Equality.

Validation through the above-mentioned synergy, the collaboration of relevant institutions and social actors that defend the interests of women, is the only way to elevate women's status in society and give them the opportunity to enjoy equal rights and opportunities with social and economic affirmation.

1. Constitution of Kosovo, provision of article 58, paragraph 4 [↑](#footnote-ref-1)
2. Civic Energy Center 2019, Impediments that hinder the process of obtaining valid documents are numerous and stem from the fact that Kosovo does not recognize marriage certificates issued by Serbian institutions in Kosovo since 1989. However, many citizens of Kosovo who formed a marital union after 1989.did not have Civil Registry Offices, except those in Serbian institutions until 2014., or in the case of northern Kosovo until December 2016, when Civil Registry Offices were formed in municipalities of Zubin Potok, Zvečan/Zveçan and Leposavić/ Leposaviq. However, these new departments of administration have a limited scope of work and do not offer the citizens all required services. [↑](#footnote-ref-2)
3. <https://zck-ks.net/repository/docs/Assessment_on_Employment.pdf> [↑](#footnote-ref-3)
4. Prevailing socialized gender roles, lack of affordable childcare, professional gender stereotypes, etc. See Discrimination on the basis of gender and work in Kosovo, Kosovo Women's Network,

   https://womensnetwork.org/wp-content/uploads/2022/04/MZK\_discriminacija-na-osnovu-pola-i-rad-na-kosovu\_2022-1 .pdf [↑](#footnote-ref-4)
5. See Kosovo Program for Gender Equality https://abgj.rksgov.net/assets/cms/uploads/files/ARP%20Programa%20Kosova%20za%20rodnu%20ravnopravnost%202020-2024.pdf [↑](#footnote-ref-5)
6. Report from the consultative group held in North Mitrovica with 9 women over 25 years old, mostly civil activists with many years of work experience. [↑](#footnote-ref-6)
7. Interview with Milena Zdravković, representative of the Laplje Selo community in central Kosovo. [↑](#footnote-ref-7)