



Kosova Women's Network

Serving, Protecting and Promoting the Rights of Women and Girls

MONITORING IMPLEMENTATION OF UNSCR1325 IN KOSOVO

EXECUTIVE SUMMARY

Introduction

The United Nations Security Council Resolution 1325 was passed on 31st October 2000. It was seen widely as an historic achievement in promoting and supporting the public role of women and women's organizations in war zones and post-conflict situations. The UNSCR1325 defines the actions that need to be taken in order to protect women and to ensure that women may participate at all levels of peacemaking, peace building and peacekeeping.

Kosovar women were busy working towards increasing women's participation in decision-making in Kosovo prior to the promulgation of UNSCR1325 in October 2000. They use UNSCR1325 both directly and indirectly to address gender equality in Kosovar society. The monitoring project for Kosovo 2007 was undertaken by the Kosovo Women's Network (KWN) in close liaison with its constituent groups and was funded by UNIFEM. It assesses the implementation of the UNSCR1325 in Kosovo, with the aim of ensuring successful ongoing advocacy of gender issues at the national level.

All member states are obliged to implement the recommendations of the UNSCR1325, which covers four inter-related areas:

- Inclusion of women at all decision-making levels;
- Gender perspective and training of police and military personnel;
- Protection and respect of human rights of women and girls;
- Inclusion of gender perspective in UN reports.

Non-state actors, national defence forces, humanitarian agencies, and civil society sectors are obliged to contribute to the articulation of UNSCR1325 and related human rights treaties into domestic legislation, policy and practice. United Nations Security Council Resolution 1325 (UNSCR1325) Article 17 specifies that the Secretary-General should report to the Security Council about *"progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls."*

Acknowledging previous reports and monitoring of UNSCR1325 in Kosovo, the 2007 project in Kosovo surveyed each of the sectors with specific responsibilities to implement the UNSCR1325: international organisations; governmental institutions at all levels and civil society. The summary that follows surveys the actors responsible for the implementation of UNSCR1325 and then summarises the findings of the monitoring exercise in sections defined by the UNSCR1325 as key areas of obligation.

1. Respondents to the monitoring exercise

International institutions and organisations

Since 1999, the international community has been responsible for the protection and promotion of human rights and the rule of law in Kosovo in accordance with UNSCR1244, which mandated United Nations Mission in Kosovo (UNMIK) to govern Kosovo until its final political status is decided. A large number of international organisations and agencies work on gender issues in Kosovo. However, most of the international community representatives interviewed¹ believe that responsibility for the implementation of UNSCR1325 lies ultimately with the highest levels of decision-making bodies. This is on one hand an acknowledgement of the over-arching power of the office of the Special Representative of the UN Secretary General (SRSG), and on the other hand an assertion that the Kosovo government must increasingly bear responsibility for promoting and protecting gender equality. Since 2001, UNMIK has shared responsibility for governing Kosovo with the elected Provisional Institutions of Self-Governance (PISG).² UNMIK has been increasingly transferring administrative competencies to the PISG. UNMIK has established municipal government and an internationally-supervised Kosovo Police Service. However, UNMIK reserves decision-making powers such as over foreign affairs and is accountable only to the United Nations Security Council in New York, to which the SRSG reports four times a year.

Many international interviewees revealed a superficial understanding of UNSCR1325 and this may be reflected in a general lack of political will among the leadership in the international community to promote gender equality in Kosovo in any comprehensive and practical way within their departments. The gender mainstreaming in institutional mechanisms as envisioned in UNSCR1325 and related human rights treaties, such as the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), generally lacks practical commitment, is somewhat rhetorical and largely dependent on the prior knowledge of individuals who are generally on short-term missions. There are relatively small numbers of women at the highest levels of decision-making in international institutions in Kosovo. The marginalisation of women and gender-mainstreaming as an operational focus in international institutions was frequently mentioned in the interviews.

Following the promulgation of the UNSCR1325, UNMIK established the Office for Gender Affairs (OGA). The 2007 Head of OGA reported that a lack of solid engagement with civil society and lack of communication by internationals across the various institutions often led to replication of work in gender projects. In her opinion, the Advisory Office on Good Governance, Human Rights and Gender Affairs (AOGG) and Agency for Gender Equality (AGE) within the Prime Minister's Office should be integrated, because at present they lack coherence and the leadership skills to take gender equality implementation to the highest institutional levels. The OGA reports to the Head of Mission on the implementation of UNSCR1325 and sees the future function of OGA as providing technical support to civil society and acting as a bridge to the UNMIK authority or its successor.

The Organization for Security and Cooperation in Europe (OSCE) is responsible for UNMIK Pillar III, which covers democratization and institution building. Gender equality as an operational focus falls within the area of democratisation, education and law and is considered to be an integral part of achieving sustainable democracy. The OSCE aims to provide equal opportunities for men and women and to integrate gender equality in policies and practices in Kosovo. As such, the implementation of UNSCR1325 and related human rights treaties is foundational. The Department of Democratisation includes support for the initiatives of women in communities and in theory, operates projects to be implemented at the central level of the PISG and within the framework of the Gender Program based in the Citizen Participation Support Team. As such, OSCE has been responsible for drafting many of

¹ From the interviews completed 2007, by KWN, Kosovo.

² The institutions of Provisional Self-Government are the Assembly of Kosovo, which elects a President of Kosovo; the government of Kosovo, with a Prime Minister nominated by the President and endorsed by the National Assembly; the Judicial System of Kosovo, which is appointed by the SRSG from a list endorsed by the Assembly after being proposed by the Judicial and Prosecutorial Council.

the UNMIK Regulations dealing with gender issues. Staff in OSCE is also involved in campaigns against trafficking and gender-based violence as well as advising the Advisory Office on Good Governance in the Office of Prime Minister.

The Gender Focal Point for the OSCE reports that in practice, other political priorities tend to subordinate a gender focus so that it often becomes marginalised within the Pillar III commitments dealing with democratisation and institution building in Kosovo. Overall, there is a lack of competent senior and managerial staff able to coordinate with the work of the Gender Office in accordance with OSCE Action Plan. Gender is considered a 'soft' issue and tends to be marginalised within the work under Pillar III. It was reported that the induction program conducted in Vienna is generally inadequate to inform staff about gender mainstreaming and obligations arising from UNSCR1325 and related human rights treaties. However, many of the staff employed to work on gender issues have prior experience and the Gender Office is dependent on their individual skills rather than supportive of comprehensively integrating gender mainstreaming into the skills base within OSCE. According to respondents in OSCE the implementation of UNSCR1325 internally is negligible. Within its senior management level, the OSCE has no female department directors; however the head of the human rights division and the deputy director of the Office of Political Affairs are women. In seven years there has never been a female Head or Deputy Head of mission.

The presence of the International Civilian Police Program (CIVPOL) has been crucial for development of an impartial and independent local police force, Kosovo Police Services, (KPS). CIVPOL and KPS are setting an example for the international and national institutions in implementation of UNSCR1325 and commitment to integration of gender equality in all aspects of CIVPOL's and KPS's roles and obligations. In principle, CIVPOL is committed to gender equality in its ranks. However, most international police commissioners, chiefs and staff are largely uninformed about the UNSCR1325. It was commented in interviews that KPS requested the SRSG to promote UNSCR1325 training for all international police commissioners and military commanders stationed in Kosovo, but this was not taken up.

The CIVPOL Senior Gender Advisor however, has shown particular diligence in establishing crucial cross-institutional dialogue, cooperation and partnership through regular meetings with KFOR, UNIFEM, UNICEF, KPS, key departments such as Human Trafficking and Child Abuse, national institutions, the OGA, women's organisations and civil society.³ The CIVPOL Senior Gender Advisor is dedicated to increasing numbers of female international police officers willing and qualified to join UN missions; in 2005-6 there were about 81 international female police officers currently present in the Kosovo mission among a total of 4468.⁴ Gender-focused training is made available to orient incoming contingents, contingent commanders, KPS uniformed staff and UNMIK civilian staff in order to provide accountability in all aspects and levels of decision-making affecting women and gender-related issues within UNMIK's mandate, which are addressed by CIVPOL and KPS.⁵ The interview with the Senior Gender Advisor revealed however, there are financial obstacles to the employment of specialists, provision of trainings and for effectively addressing the prevailing lack of gender awareness within both local and international police forces.

The United Nations Development Programme (UNDP) has been present in Kosovo since the 'emergency phase' in 1999. Its mandate is to build capacity in the community of local experts and institutions in order to further develop skills in policy formulation in Kosovo. An important focus is its networking on human development issues among Kosovo decision makers, the media, civil society and the Kosovo public. While internationally it is noted that developmental policy areas inevitably require the inclusion of gender analysis, the UNDP does not specifically address this in its work, except in using methodological measurements such as the Gender Development index (GDI) as one

³ *International Police Gender Mainstreaming Action Plan 2005/2006*, prepared by Tilly Stroosnijder, September 2005, Netherlands.

⁴ CIVPOL website.

⁵ *Ibid*, Stroosnijder, 2005.

of its three key indicators in quantitative research analysis.⁶ The Resident Representative of UNDP commented that UNMIK could be judged as not fully addressing certain human rights obligations in Kosovo. The persistence of gender inequalities particularly around domestic violence and trafficking, in the light of the establishment of the Gender Equality Laws shows how much is still to be done before these are fully implemented.

UNDP is not mandated to specifically investigate gender issues. However, staff had recently networked through women's organisations in a community based programme around the flooding of the Iber River and saw that liaison as appropriate and necessary. The Program Analyst at UNDP commented that gender equality issues are still seen as separate to human rights issues and are not prioritised in various UN agencies including UNDP and UNMIK. However, the gender balance within UNDP in Kosovo was about 50/50. In her view, it was widely considered that resolving the status of Kosovo and security issues were more important than gender equality. UNDP does not report on gender in its institutional structure and no specific reports on the implementation of neither CEDAW nor UNSCR1325 as operational principles have been sought from UNDP by UNMIK, although the work of UNIFEM was noted in this regard.

National institutions and organisations

The Assembly of Kosovo, according to constitutional provisions, is the highest provisional self-government and representative and lawmaking institution in Kosovo.⁷ It consists of fourteen party political groupings who participate in the Assembly within five parliamentary groups.⁸ There are thirty municipalities in Kosovo which make up the local authorities within the Association of Municipalities under Article 10 of the European Charter of Local Autonomy of the Council of Europe.

While most government representatives at both national and municipal levels have a basic knowledge of UNSCR1325, the process to articulate the resolution and related human rights instruments within domestic legislation is not always clearly understood⁹. The mechanisms for achieving gender equality have been set in place at all levels of government but articulation into policies and administrative rules is slow due to financial constraints and the will of officials at higher decision-making levels. Some interviewees quoted examples of irregular and uncoordinated cooperation from the international community's leadership and agencies that have hindered the effective inclusion of women in decision-making processes and slowed the initiating of informed gender mainstreaming from national to municipal levels of government. Furthermore, respondents also pointed to frequent examples of limited and unproductive cross-governmental dialogue and to a lack of political will at the national level to involve more women in decision-making. Implementation is seen as dependant on individual leadership. In 2006-07 deliberations over the future status of Kosovo were given priority.¹⁰

The quota-driven achievement of near thirty percent representation of women in parliament is regarded by most interviewees as an achievement "with compromised quality". Respondents noted the overall marginalisation of women within party structures and the lack of programmes for gender mainstreaming within both party policies and the political negotiations of the Assembly.

⁶ Specifically, UNDP's reporting uses the indicators; Human Development Index (HDI), the Gender Development Index (GDI) and the Human Poverty Index (HPI).

⁷ The Assembly is regulated with Chapter 9 of the Constitutional Framework for the Provisional Self-Government in Kosovo.

⁸ See the Kosovo Assembly, <http://www.assemblyofkosovo.org/>.

⁹ From the interviews completed 2007, by KWN, Kosovo.

¹⁰ The Kosovo government's mechanisms to achieve the gender equality include; the Plan of Standards of Kosovo; the Law on Gender Equality (UNMIK resolution 2004/18); the Antidiscrimination Law, August 2004; the Administrative Instruction on Gender Equality, 2003 and 2007 (NO. 2007/03-MPS); the Resolution against the trafficking of human rights and the Resolution on domestic violence protection, 2003/12.

At the municipal level, where the positions of Municipal Gender Officers were established in 2002 some of the interviewees remarked on the limited enactment of mechanisms for gender equality and a general lack of awareness of gender issues at municipal levels. Again, financial constraints were seen as limiting the inclusion of women in decision-making processes at this level.

In accordance with Gender Equality Law, in April 2005, the Office for Gender Equality within Prime Minister's Office has been set up (and in 2007 transformed into the Agency for Gender Equality, to raise awareness and promote gender equality. Some interviewees comment the failure is likely for any initiatives to do with UNSCR1325 despite the Agency having "free hands to implement whatever it wants including gender equality." The response noted that the Agencies functions under considerable political pressure to meet the expectations of the day. On the other hand, the Chancellor of the AGE stated that the Agency concentrates on implementing CEDAW, and has no particular training on UNSCR1325. Similar lack of clarity on how UNSCR1325 is implemented was evident in the response of the Legal Office in Ministry of Public Services, who argued the role of the Legal Office is not necessarily to be involved in the implementation of UNSCR1325, but rather in the drafting of gender relevant laws.

According to the High Officer for Equal Opportunity and Gender Issues at AOGG, established in April 2003, the Prime Minister has made some attempts to increase participation of women in decision-making, however the outcomes are not very obvious. Currently, women do not reach the highest levels of government decision-making and there are no women in the 'final status' negotiations. At the middle levels of central government women occupy about 38% of the leading positions.¹¹ The AOGG's has closely cooperated with KWN and UNIFEM about the National Action Plan for Achieving Gender Equality (NAP). However, no particular attention has been given to the UNSCR1325 and the reasons given typically identify UNMIK's lack of attention to the resolution.

Military and policing institutions

The Kosovo Force (KFOR) is a NATO-led international force responsible for establishing a security environment in Kosovo, since 1999. Since 2005, KFOR's mandate has shifted from a primarily defence and demilitarisation focus to increasingly support the work of reconstructing social institutions and communities throughout Kosovo. Within its current mandate is the provision of support for the civilian institutions, law and order, the judicial and penal system, the electoral process and other aspects of political, economic and social life. Clearly this brings the KFOR within the ambit of UNSCR1325, however, like all international institutions the KFOR is not accountable to the citizens of Kosovo and hence it is the responsibility of national commands contributing troops to KFOR is train personnel in gender-appropriate behaviours and to incorporate gender-mainstreaming within the structures of troops participating in KFOR. Gender disaggregated statistics for KFOR personnel are not available.

The Kosovo Protection Corps (KPC) is a civilian emergency services organisation under United Nations administration since the 1999, when the KPC was created by the promulgation of UNMIK Regulation 1999/8 and the agreement of a "Statement of Principles" on the KPC's permitted role in Kosovo. UNMIK Regulation 1999/8 instructs that its mandate includes:¹² humanitarian assistance and contributing to rebuilding infrastructure and communities. About 2% of the KPC are female cadets.

The Kosovo Correction Service (KCS) is administered by the Penal Management Division (UNMIK Pillar I, Department of Justice and Police). Since its establishment in 1999, six detention centres and two prisons have been established together with the recruitment and basic training of 1300 staff, the drafting of legal fundamentals for penal correction, the recruiting of Kosovar Directors and the

¹¹ Statistical Office of Kosovo, 2007. *Gratë dhe burrat Kosovë (Women and Men in Kosovo)*, p. 44.

¹² KPC is mandated under UNMIK to provide disaster response particularly for major fires, industrial accidents or toxic spills; to conduct search and rescue operations; to provide humanitarian assistance; to assist in de-mining; and to contribute to rebuilding infrastructure and communities in Kosovo.

appointment in 2006 of a Kosovar Commissioner. Only a small percentage of the KCS are female officers.

The Kosovo Police Service (KPS) was established under the mandate of The OSCE to develop an effective police institution for a democratic Kosovo. UNMIK's mandate under UNSCR1244 included the task to establish a new police force. KPS is under the command of UNMIK whose police commissioner commands both the international police (CIVPOL) and the KPS. The KPS reached its mandated size of nearly 7,000 officers in 2004. About 85% of KPS officers are ethnic Albanians, 15% are ethnic Serbs and other ethnicities. About 15% of KPS are women officers.

Civil society

A distinctive aspect of Kosovar civil society is the leadership of women's organisations and NGOs who have worked concertedly at the grassroots level and networked substantially into civil service and central government processes to educate and support local women's participation.

The majority of the civil society representatives interviewed¹³ show an understanding of the international legal framework for achievement of gender equality: UNSCR1325, CEDAW, and the Beijing Platform for Action. A number of women activists were involved in drafting the National Action Plan for the Achievement of Gender Equality building upon international legal tools for the advancement of women's human rights and upon connections with transnational advocacy networks, some of which were linked prior to 1999. Kosovar women's organisations have directly contributed to the implementation of UNSCR1325 in various official and informal meetings, trainings, demonstrations, projects local, regional and international networking and lobbying. The activities also include assisting victims of sexual violence during the war, domestic violence and trafficking. Women's groups are the only sector of Kosovar society that explicitly addresses the UNSCR1325 as operational principles to be integrated into its work. As a direct result of this, in 2007 the KWN recently began a ground-breaking series of talks to military forces stationed in Kosovo about how and why UNSCR1325 is important to their mission.

However, overall lobbying for the empowerment and advancement of women in Kosovo is undermined by insufficient ongoing cooperation from national institutions and the international community with women's groups. As KWN's Igo Rogova explains: "I wish I didn't have all these expectations, because ... from day one I realised they completely ignored women's movement, and women leaders in Kosovo, but we had women in politics, very powerful women, and women in civil society..."¹⁴

From the interviews it was clear that there is a frequent communication gap between many of the international administrators and women's groups. Although on the surface there is usually an apparent willingness to consult and discuss, it has been hard won through the efforts of KWN in particular. Overall, international administrators have been slow to comprehensively ensure ongoing support for the initiatives taken by civil society groups to further women's equal access to development and human rights more broadly. Clearly this reflects the lack of direct accountability by international administrators to the Kosovar public and that the international legal principles of human rights, including gender equality need considerably more than the current rhetorical support offered by the international community.

2. Summary of findings

The four key areas of responsibility defined the UN Resolution 1325 form the basis of the report's structure and discussion of findings:

¹³ From the interviews completed 2007, by KWN, Kosovo.

¹⁴ Interview conducted with Igo Rogova, KWN, on July 12, 2007, Kosovo.

- Inclusion of women at all decision-making levels;
- Maintaining a gender perspective in the training of police and military personnel;
- Protection and respect of human rights of women and girls;
- Inclusion of a gender perspective in UN reports.

Inclusion of women at all decision-making levels

UNSCR1325 in Article one "*Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict." Article 8 "*Urges*" member of states to ensure increased representation of women at all decision-making levels national, regional and international institutions and mechanisms for the prevention, management and resolution conflict.

In Kosovo the legacy of the political turbulence of the 1990s and the post war period continues to undermine women's participation in public life, especially in politics and the economy. Many families in Kosovo live in very poor conditions. Unemployment has decreased since 2002 but in 2005 still amounted to 33% of the male workforce and 60% of the female workforce.¹⁵ Relatively low levels of education complicate opportunities for paid employment for many women, for example while literacy for both males and females is high until the age of 45, for women aged 50 and over 24% are illiterate compared to 4% of males. Further, following the new system of schooling introduced in 2003/2004, 81% of dropouts across all levels of education are female. The highest level of education completed by most males and females is secondary school; only 6% of males and 5% of females between the ages of twenty and thirty years in 2003 had completed tertiary education.¹⁶ Clearly, more strategies are necessary to promote women's human rights to education, if women are to be suitably trained to enter the various levels of political and civic decision-making. Although it is obvious that women are excluded from public life because of their poor educational background, and lack of employment opportunities, the male culture of the political and civic sectors contributes substantially to women's absence.

The second National Assembly elections in October 2004 enabled the election of 33 women parliamentarians to the 120 seat Assembly (27.5%). Women also occupy 28% of all municipal assemblies' seats. Over thirty political parties participated and 49.5% of the electorate of almost 1.5 million eligible voters cast their ballots. However, only one of the ten government ministers is female. Only one of the nine permanent secretaries is female; and two of the five heads of the parliamentary groups are women. Amongst the eighteen parliamentary committee heads, seven are women but only two of the chief executive officers in municipalities are female. Respondents suggested that the key decision-making positions are still held firmly by men and in reality that the 30% promoted by the gender quota has little if any real power to impact on government decision-making. NGOs have actively provided training for local Municipal Gender Officers to support and courage their roles within the Municipal Assembly. However, it is apparent at the municipal level that many gender Officers are marginalised and their role is not mainstreamed into decision-making in local authorities. Respondents commented that in the seven years since its adoption, UNMIK's administration has been inconsistent and UNSCR1325 is not being systematically or sustainably implemented within the work of internationals and is hence a negative example to local government and civil society.

The economic opportunities for employment and economical development of some women in Kosovo are assisted by the development of Micro and Small Enterprises / Medium Enterprise initiatives. However, women generally still have difficulty accessing loans from local banks and international credit programmers that require ownership of assets. Male family members traditionally register property and control family land ownership despite the protection of women's equal property rights in

¹⁵ Statistical Office of Kosovo, 2007. Labour Market in *Gratë dhe burrat Kosovë (Women and Men in Kosovo)* p.29.

¹⁶ Ibid. p.27.

law.¹⁷ There is no gender-disaggregated research on wage disparities and no research on the re-entry of women into the workforce following maternity leave. The lack of organised child-care and pre-school centres hinders women's opportunities to work. Also lacking are investigations of the impact of sexual harassment in the workplace and the financial status of self-employed women in Kosovo. It has been noted that women "working in the public sector have more rights than women working in the private sector or self employed women. Self-employed women and unemployed women do not have access to contributory social protection schemes. Kosovo's legal standards on this aspect of labour law are thus incompatible with EU Directives."¹⁸

Perhaps the key foundation for gender equality institutions in Kosovo was the National Action Plan developed in 2002-2003 under the lead of UNIFEM with the involvement of governmental and non-governmental organisations. The National Action Plan assesses six critical areas of concern, including education, economy, politics, health and social welfare, human rights, violence against women and children, and culture. The National Action Plan is closely linked with to the Beijing Declaration and Platform for Action as well as CEDAW. The product of intense consultations and cross-sector lobbying, it prepared the way for the Gender Equality Law (GEL), adopted by the Kosovo Assembly in 2004. The Gender Equality Law was promulgated by the Special Representative of the Secretary-General in UNMIK Regulation 2004/18. The GEL aims to establish of equal representations of men and women at all levels in executive, legislative and judicial bodies, public institutions, and appointments in central and local government bodies. Equal representation is defined as a minimum of 40% each of men and women. GEL also mandates the establishment of the Office for Gender Equality as a separate government institution and the appointment of a Gender Equality Attorney to monitor and supervise implementation of its measures; to identify violations of its provisions and investigate cases of gender discrimination.

However, just three years later it is obvious that women are insufficiently included in the ranks of decision makers. Women leaders are not systematically consulted on issue of 'national' significance to do with Kosovo's political future. The senior political functionaries are male, in Kosovo's political structures, civil service and within the international community operating in Kosovo.

The respondents voiced considerable concern about the low levels of women in decision-making overall. Some considered that the women elected to government at any level tended to be relatively unprepared and impotent to work for the substantial changes needed. Despite training for women political candidates, prior to and following elections, and the connections made between women community leaders and female politicians, there are criticisms from each group towards the other's performance on social and political issues. Respondents to this monitoring exercise frequently commented on the view that is alleged to be commonly held by members of the international community in Kosovo, that Kosovar women are locked into repressive, backward traditions that undermine their social position. In this view, women cannot challenge the patriarchal structure of Kosovar Albanian society. Within Kosovo's international community there is limited awareness of UNSCR1325 and little evident intention to use it as an advocacy tool or guide in programming activities to advance gender equality, as do the many local women's organisations.

Finally, women in civil society are especially critical of the lack of consultation with women in the negotiations for 'final status'. For many, the lack of consultation is emblematic of the failure to ensure women are able to access and be present at the highest levels of decision-making. Respondents commented that UNSCR1325 promotes women's participation in peace negotiation but this has been ignored by male Kosovar political leaders and the international decision-makers. It was argued that as the ultimate decision-maker in Kosovo, UNMIK is obliged to set an example for local institutions by implementing UNSCR1325 in the final status negotiations.

¹⁷ Women's property rights are protected by e.g. UNMIK/reg/20004/18 On the promulgation of the Law on Gender Equality in Kosovo Adopted by the Assembly of Kosovo; UNMIK/reg/20006/7 On the promulgation of the Family Law of Kosovo Adopted by the Assembly of Kosovo.

¹⁸ See Kosovar Centre for Gender Studies, 2004. *Equal opportunities for women and men in Kosovo*, Prishtina, Kosovo, p.4-5.

Gender perspective in the training of policing and military personnel: law and order

UNSCR 1325 Article Seven "*Urges*" member of states to increase voluntary financial, technical and logistical support for gender sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia the United Nations Fund for Women and the United Nations Children's Fund and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies.

In regard to the consequences for gender mainstreaming as a foundational consideration in the humanitarian mandate of KFOR, the unevenness of the gender training of KFOR troops is disappointing. Gender training is more likely to be included in the education of forces from most Western and Northern European countries rather than from member states further afield. Italian and German KFOR troops in particular have worked with women's organisations on the local problem of trafficking and forced prostitution after it was discovered that no training was provided on these subjects for the KFOR military. However, NGOs lack the authority to set up such training without institutional support from UNMIK and KFOR command, which is not forthcoming. In April 2007 an estimated total 16,000 soldiers from 34 countries are present as KFOR; no gender disaggregated statistics are available.¹⁹

The KPC has 5,052 members of whom approximately 2% are women. Respondents suggested there are significant problems for women seeking promotion through the ranks because of the recruitment ban that impedes movement and promotion and that there is a 'male-centric' culture amongst recruitments. However, KPC troops receive gender training in a series of four two-day modules and then attend occasional ongoing courses once the classes are completed. Plans include the development of a 'training of trainers' course in order to ensure internal capability.

Within the Kosovo Correction Service (KCS) steps have been taken to implement UNSCR1325 in staff training with the intention that this will become a permanent feature of Basic Training for Correctional Officers, with plans for more advanced training for managers. A survey has also been devised for all staff to identify concerns with conditions of service, from which policies and activities are to be designed to develop in-house gender trainers; enhance opportunities for female KCS staff to apply for senior positions; advanced gender training for managers and create job descriptions for equal opportunity officers. Although implementation of gender mainstreaming is mandated within the service, it is not yet a designated task for any officer. The KCS Deputy Director is the focal point for gender issues. About 18% of KCS are women, most of them civilians in administrative positions. Only male staff work in administrative and decision-making levels.

The Kosovo Police Service (KPS) has been effectively integrating UNSCR1325 into its roles and obligations both at administrative and operational levels. The KPS Coordinator for Gender Issues states the percentage of uniformed female officers is currently about 15%, with 10% of female officers in decision-making positions, that is, between the ranks of Sergeant and General. Amongst the top-ranking women in the KPS, there is one general, a colonel, a regional commander responsible for 2-3 municipalities, and a female chief of operations. In addition fifty per cent of the Advisors for Gender Issues located at police stations throughout Kosovo are females. Although attention to gender has been integrated into police administration, the formalisation of the law and regulations in the future is considered to depend upon individual leadership in KPS and EU, and there was some speculation about what the establishment of an EU presence in Kosovo once 'final status' has been decided. The KPS gender focal point reported that KPS has supportive working relationships with the Agency for Gender Equality and that the mutual information exchange with the Prime Minister's Office, community, NGO's and region wide has been very effective and useful. Slow but positive changes are seen in gender-mainstreaming, despite the persistence of stereotyping gender issues and distrust of gender balance.

¹⁹ See NATO, *Information on Troops in Kosovo* www.nato.int/kfor/docu/pr/2007/04/pr070404.htm.

Protection and respect of human rights of women and girls

Resolution 1325, Article Ten *Calls* on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.”

Some Kosovar politicians have become increasingly active in public support of women's organisations and appear to recognise the importance of establishing gender rights legislation. Local women's activists have played a major role in helping politicians to become more aware of gender equality and in successfully advocating for legislation that supports gender equality as a human right. The National Action Plan, Gender Law, Anti-discrimination Law, and Family Law are significant accomplishments for gender equality and facilitate the promotion and protection of human rights more broadly in Kosovo. However, while gender mechanisms exist at the legislative level, many men and women in Kosovo remain unaware of their rights and how to access the protections provided by such laws. Thus the comprehensive implementation of international legal principles remains to be fully realised.

In post-conflict Kosovo, violence and sexual harassment against women increased reflecting the effects of the poor economic situation and post-war trauma. Women activists from KWN are active in public campaigns to raise awareness about violence against women and to inform women of their rights. The 2005 campaign included personal narratives and street theatre and addressed a range of examples of gender-based violence, including that perpetrated by internationals. While violent crime has decreased steadily since the establishment of the CIVPOL/KPS, domestic violence continues at an alarming rate but it is being reported with more frequency. Although victims are reporting more cases to the justice system and there have been positive developments in law and policies, Kosovo's courts are failing to consistently implement the Domestic Violence Regulation.²⁰ There are however many examples of civil society collaborations with international actors and government departments on women's human rights. These include KWN's meetings with the Division for Gender Issues within the Prime Minister's Office for Good Governance to formulate a joint “Draft Strategy for Human Rights in Kosovo,” and UNIFEM's work with the gender units within the Kosovo Protection Corps (KPC) and Kosovo Police Service (KPS) on gender equality legislation and UNSCR1325. In 2005, the Kosovar Gender Studies Centre (KGSC) sponsored a study in cooperation with a number of women's organisations in Kosovo on violence against women for the United Nations Division for the Advancement of Women (UNDAW).

The Ministry for Public Services collaborated with the Kosovar Gender Studies Centre to draft a report on sexual harassment in the workplace for the University of Prishtina. Although not yet enacted, it represents the potential of civil society groups to work effectively together with state actors in articulating the principles of UNSCR1325 into advocacy for human rights. The Kosovar Gender Studies Centre in particular is developing collaborative relationships with government, institutions, and also with Kosovo's media. The network represented by KWN continues to be a significant defender of women's human rights in Kosovo and in the past two years has forged significant working relationships with major women's organisations in the region.

In 2004, the enactment of the Anti-Discrimination Law was driven by a need to secure legislation that supported the “importance of supporting coexistence, protection of human rights, and fair representation of people of Kosovo in the development process of democratic self-governing institutions.” This law forbids direct and indirect discrimination and also defines all of its forms *inter alia*, harassment, victimisation and segregation. It addresses discrimination in all spheres of social life: employment, education, social care, housing, personal security and access to public life. A major

²⁰ Family Law prohibits domestic violence; UNMIK Regulation 2003/25 On the promulgation of Criminal Offences Against International Law Adopted by the Assembly of Kosovo covers “Criminal offences against life and body” including rape, sexual assault; Regulation 2003/12 provides three types of protection orders including against Domestic Violence.

innovation is that the burden of proof is on the party accused of discriminatory action. The individual or institution needs to prove discrimination did not occur. This is particularly important to women struggling with the dominant patriarchal gender discourses in Kosovo.

The Ombudsperson's office is empowered to receive and investigate complaints concerning discrimination cases. In addition, the government is responsible to conduct public awareness raising about Anti-Discrimination Law. Specific training is now provided to judges and prosecutors on the practical and consistent use of the law. Recently, a Centre for Protection of Women and Children entered a complaint about UNMIK's erratic implementation of policies against domestic violence. However, since 2006 when the Ombudsperson's office was transferred to local competency, it is no longer mandated to investigate cases involving international agencies or individuals. Respondents commented on the frustration of women who are unable to proceed against discriminatory work practices, such as sexual harassment and unfair dismissal in international agencies.

Since the deployment in July 1999 of KFOR and the establishment of the UNMIK civilian administration, Kosovo has been a major destination country for the trafficking of women and girls into forced prostitution. In 2007 it is apparent that increasing numbers of local women and girls are being internally trafficked, and trafficked out of Kosovo. Despite acknowledgement by the OSCE in 1999 that trafficking is a major problem, UNMIK's measures remain inadequate.²¹ Human rights standards and applicable law in Kosovo²² are theoretically sufficient to deal with this human rights abuse; however the lack of funding, expertise and coordination suggests a lack of international political will.

Inclusion of a gender perspective in UN reporting

Resolution 1325, Article Seventeen "*Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls".

There remains a very low level of understanding of gender mainstreaming within international organizations and the commonplace confusion is the equation of 'gender' with women rather than interrogating the differential valuing of men and women in society. In many cases internationals saw the need for 'gender equality' as impossible to achieve in "such a patriarchal society" and commented that most women were so subjugated, the 2004 Gender Equality Law was unlikely to be more than rhetorical. Such attitudes within the international administration have been argued to undermine the attempts of the government and civil society to press for gender justice, such as prefigured by UNSCR1325 and related human rights treaties. Clearly there are enough exceptions to this attitude to enable some cross-sector collaborations about the articulation of UNSCR1325 into regulations, protocols, codes of ethics and the progressive laws achieved in 2005. However, the comprehensive articulation of UNSCR1325 is hindered to a degree by negative international attitudes as much as by the unfamiliarity of local civil servants and the general public.

The UNMIK Office for Gender Affairs reports on the implementation of UNSCR1325 and human rights instruments such as CEDAW. The OGA views UNSCR1325 as a foundational document in its work and is a focus of their training with UN staff. As the respondent commented, "There is lack of understanding - just because you open a programme and you place a woman in it doesn't mean you are doing anything in terms of gender. UNMIK might say 1325 is important, but in order to understand, women must get a commitment from those who are in power currently, men mostly, to understand that this isn't just about women's issues, this is about society, it's about creating a society

²¹ UNDP, Youth; A new generation for a new Kosovo, *Human Development Report*, 2006 Prishtina.

²² UNMIK Regulation 1999/24, On the Law Applicable in Kosovo, 12 December 1999, as amended by UNMIK Regulation 2000/59, 27 October 2000. The regulation provides for four possible sources of applicable law in Kosovo: the law in Kosovo as it existed on 22 March 1989; UNMIK Regulations; the law applied in Kosovo between 22 March 1989 and 12 December 1999 (the date Regulation 1999/24 came into force) if this is more favourable to a criminal defendant or it fills a gap where no law from March 1989 exists; and some, but not all, international human rights standards and laws.

that's inclusive." Education about UNSCR1325 and its relationships with CEDAW, and its relevance to the peace-building process in Kosovo is considered to be sorely needed in UNMIK.

Respondents commented that the UN has not highlighted UNSCR1325 as a necessary focus for UNMIK and although previous SRSG's have commented on its importance, in the view of civil society groups, there is no consistency in the approach to the resolution and its relevance in Kosovo's peace-building. A general failure to identify and promote UNSCR1325 contrasts with the way in which specific issues such as law and order and sexual exploitation and abuse receive attention and direction, despite their being part of the scope of UNSCR1325. It is notable that UNMIK's failure to endorse the implementation of UNSCR1325 reflects its tardiness in involving local women experts or non-governmental organizations (NGOs) in decision-making and programmatic planning.

While it is claimed in OSCE that UNSCR1325 is implemented within its internal structures, the resolution has not in itself been publicised or used strategically and publicly as a framework for OSCE actions in Kosovo. Since 2004 OSCE has included two gender advisers and a gender units together with various experts appointed for additional gender-focused tasks, but there is a general lack of integration between the gender focal points in OSCE and the wider culture of the organisation. The gender advisers report to the head of the department but gender-mainstreaming in itself is not prioritised more broadly. According to respondents, the lack of an OSCE action plan specific to gender mainstreaming reflects that attitude that in OSCE gender is often considered to be an issue to be taken up when law and order is achieved.

International agencies such as UNDP are not required to report on the inclusion of gender perspectives and mainstreaming in their structures. In Kosovo, despite this UNDP has moved towards increasing its collaborations with government departments, other agencies and civil society groups including women's organisations. A recent example of this multi-tiered approach that other international agencies might consider emulating is UNDP's involvement in the Women Safety and Security Initiative funded jointly by the Bureau for Crisis Prevention and Recovery and the British Council. The collaborative Initiative will investigate violence against women and trafficking with a view to improving the training of law enforcement personnel including judges, as well as looking at the provision of women's shelters.

3. Conclusions

Overall, the monitoring exercise found that governmental institutions, international organisations and civil society in Kosovo have very different levels of support for and promotion of UNSCR1324. Their levels of engagement with the areas covered by the UNSCR1325 and related human rights treaties are also variable. While in principle UNMIK attends to the principles of gender inclusiveness in its operations, working partnerships and policies, its performance and its influence over disseminating gender mainstreaming as a core element of peace-building at the local level, is inconsistent.

The government of Kosovo is by definition bound by and party to all UN international conventions because of its status under the administrative responsibility of the UNMIK. Many of human rights standards were already in force under the Yugoslav constitution and these were incorporated under the regulation on applicable law in 2000. In principle then, women's human rights are not new to the territory of Kosovo and have been 'doubly' protected through the blend of 'domestic' legislation together with the acceptance of the obligations and responsibilities to international conventions such as CEDAW. UNSCR1325 is effectively a reiteration of human rights principles that are often under assault during times of conflict and post-conflict reconstruction. The special relevance of UNSCR1325 to Kosovo then is as a re-statement of key aspects of standing human rights commitments. It is therefore disappointing that UNSCR1325 is rarely mentioned by international administrators and therefore not well used by official bodies as a framework for ongoing action. Civil society on the other hand has seized the opportunities afforded by UNSCR1325 as an advocacy tool to encourage, lobby and promote the participation of women in all levels of public life, in Kosovo and surrounding states, and with many successes.



The test of Kosovo's commitment to the legal frameworks created under UNMIK's international administration will depend on the will of its political institutions to further integrate gender mainstreaming throughout public structures and social conventions and to forge its own human rights accountability locally, nationally and internationally.

This executive summary was prepared by Dr. Lynne Alice for the Kosovo Women's Network with assistance from Dafina Beqiri, Ali Misimi, Albana Lumi, Elizabeth Carolan, and Jasenka Imsirovic.