

## **LEVEL OF KOSOVAR WOMEN REPRESENTATION IN EMPLOYMENT AND DECISION MAKING PROCESS**

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### **ABSTRACT**

Despite the fact that females in general before many years and decades in many countries of the world through different forms of gathering and feminist movements struggled for more political and social rights, again, they still continue to face with different forms of discrimination, but differently from the old times, now they are facing the discrimination in the modern sense. It is little known that women in regard to their rights, fought long ago, starting at the stage of feudalism, the French bourgeois revolution, and continuously until the early twentieth century with the efforts of their rights in matters of birth control and abortion, maternity leave, education, commitment to social and political rights, voting, representation, for the same level of income with men etc. so coming up until present times, on the rights of women from minority groups, the rights of racial aspect and so one. Analysis of the status of women within society must respond thesis that whether the women in general are product of social developments and relations that occur in different places and in different time periods. When talking about the level in which women are represented in Kosovar society, namely gender equality, it implies the advancement of this status, specifically the participation of Kosovar women in public life and decision-making and in leading posts. So this means equal participation in all fields of life and equal opportunities to enjoy every right belonging to the men and ultimately, to put at the service for development society entire their professional and intellectual potential.

**Keywords:** The rights, representation, female, institutions, decision making.

### **INTRODUCTION**

The position of women in Kosovo society is best reflected through a series of legal acts and other official documents which can be ranked primarily: in acts or international agreements based on criteria defined by international conventions, which have supremacy for implementation in Kosovo over domestic laws, and secondly, the acts that constitute the legislation of Kosovo: associated laws and secondary legislation.

Kosovo society has made continuous efforts and still is struggling to achieve gender equality and in this regard to further advance the position of women in society and in public life. Especially, these efforts could be noticed after liberation of Kosovo from Serbian multi-year occupation, which in this case, not only increased efforts in the area of women's emancipation in Kosovo, but also in assessing the contribution that Kosovar women can give to society, through advancing its position either in public life but also its participation in decision-making. These efforts have been crowned with success, thanks to a number of different organizations, whether non-governmental organizations or foreign countries, which through various programs and projects have given their contribution in advancing the position of women, which has resulted with achievement of gender equality in many areas of social, political and economic life.

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International conventions which Republic of Kosovo has incorporated in its legal system in achieving gender equality, the first one is the Convention on the Elimination of All Forms of Discrimination against Women, and secondly the General Policy Framework drafted in the field of gender equality in various international levels, although Kosovo refers to those conventions in its government policies, it is not yet a signatory of them.

The most important criteria that the international community applies in respect of gender equality, are summarized in the Gender Equality Strategy 2010-2015 adopted in 2010 by the European Commission, then in the European Charter for Equality of Women and Men in Local Government adopted in 2006, which document calls local and regional governments in Europe to sign it, making this way a formal commitment in order to achieve gender equality. Based on these policies, Kosovo institutions are continuously undertaking appropriate actions to provide many opportunities for equal treatment of women in public life, including in this case the affirmative measures towards settings of different gender quotas so that the position and role of women in general to be enforced as much is possible.

When talking about the position of women in Kosovo society, we say that over the past few years, one of the preconditions that are put Kosovo in European integration process is the respect of human rights and the achievement of gender equality, which will be reflected especially with the level of participation of Kosovar women in the hiring process and in decision-making in leading positions. These preconditions set by the international community for Kosovo institutions are reflected in the progress reports of the European Commission for Kosovo, as well as the Action Plan for European Partnership as a formal plan approved by the Government of the Republic of Kosovo and as a document which is subject to review by the Government on an annual basis.

According to these documents, a set of measures is foreseen for improvement of the institutional and legal framework in the field of achieving gender equality on the one hand, and on the other hand, the restructuring of various mechanisms for strengthening of the necessary capacities to respect gender equality. Through the Action Plan for European Partnership, a set of measures is foreseen to raise awareness, especially regarding the Law against Discrimination, Gender Equality and Prevention of Domestic Violence.

Concerning the Kosovo legislation on the matter that is subject, may be noted that the Constitution in force, has defined a set of principles that guarantee the protection of law and human rights and gender equality. Under this Constitution, all are equal before the law and that everyone has the right to equal legal protection, without discrimination. This means that all citizens are equal and enjoy equal status and also equal protection in front of law, regardless of personal characteristics. Also, the principle of non-discrimination along with the principle of equality in front of law and equal protection of law, constitute the basic and general principles relating to the protection of rights and freedoms. Furthermore, it can be said that the Constitution of Kosovo is among the few constitutions in which constitutional provisions guarantee gender equality of women and men as a fundamental value for the democratic development of society.<sup>2</sup>

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<sup>2</sup> Enver Hasani& Ivan Cukalovic, Commentary of the Constitution of the Republic of Kosovo, Prishtina, 2013 pg.47

## **The legal framework for the treatment of position of women in public and institutional life of Kosovo**

In order to ensure this legal equality through the most important laws and bylaws of the Republic of Kosovo, a certain percentage is reserved for women's participation at the legislative body, and in the government and local level bodies. In this regard, the Kosovar women is guaranteed by the provisions a participation of 30% of the total number of representatives in the Parliament, then at the executive they are represented in the range of 14% and at municipal level institutions their level of representation rate is 34%.<sup>3</sup>

For advance of women position in public and institutional life of Kosovo, within each ministry of the Government of the Republic of Kosovo are established offices or units for the protection of human rights, which, inter alia, take the monitoring and advising other units within the respective institution on gender issues. An important step towards the advancement of gender equality has the approval of the Law on Gender Equality, which protects, treats and establishes gender equality as a fundamental value for the democratic development of Kosovo society, with equal opportunities for participation of women and men and their contribution to the political, economic, social, cultural and all areas of social life<sup>4</sup>. A significant contribution in connection with efforts to further advance the position of women in society in Kosovo, and the elimination of all forms of discrimination, is achieved by passing the Law on Protection from Discrimination, which is based on the principle of equal treatment which means that there will be no discrimination, direct or indirect, based on nationality or association with any community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, nationality, religion and belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, property status, health condition, disability, genetic inheritance or any other ground, in order to implement the principle of equal treatment.<sup>5</sup>

Also, the approval of the Labor Law is an important step in the elimination of all forms of discrimination in the workplace as well as in creating more favorable conditions for the employment of women. However, even with this law, is foreseen that each employer is obliged in case of employment of workers for the same job to define criteria and equal opportunities for women and for men, its application in practice remains unsatisfactory. The Law on Civil Servants, which regulates the status of civil servants and their working relationship in the institutions of central and municipal administration, with its provisions envisages provision of equal opportunities and prohibition of discrimination on grounds of gender. Under its provisions, is not allowed any direct discrimination or indirect, based on race, color, sex, language, religion, political or other opinion, national or social origin, association with community, property, economic, social, sexual orientation, birth, disability or other personal status<sup>6</sup>.

### **Representation of women in employment and decision-making positions**

As was observed up to now, Kosovo legislation on gender equality provides a good basis for promoting and supporting the participation of Kosovar women in matters of employment and fulfillment of decision-making positions within the public and institutional life of Kosovo.

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<sup>3</sup> Ibid, pg. 47

<sup>4</sup> Kosovo Assembly, Law no. 05/L-20, for gender Equality, 2015

<sup>5</sup> Kosovo Assembly, Law no. 05/L-021, for Protection Against Discrimination, 2015

<sup>6</sup> Kosovo Assembly, Law no. 03/L-149 for Civil Service, 2010

Gender Equality Law<sup>7</sup> defines a set of legal measures to achieve full equality of women and men in the Kosovo society, which promote multiple opportunities to members of a certain gender to enable equal participation in all areas of social life, economic, political, etc. In this sense, the provisions of this law clearly describes the obligations arising for all state institutions of Kosovo, to guarantee legal equality at all levels of legislative, executive and judiciary and public administration, in order to participate in these proportionally bodies reach the level of their participation in the total number of the population of Kosovo.

Besides defining the general principles on respect for gender equality, Kosovo legislation, emphasizing attention it has paid to promotion and promoting gender equality through affirmative action taking. In this case, it should be noted, particularly the Law on General Elections, which promotes and ensures gender representation in public institutions in Kosovo, represented as stated above, from 30 percent quota for gender representation in the legislative bodies in the central level and at the local level as well.

Another important segment towards achieving gender equality in Kosovo, in terms of decision-making positions initially is the first level of participation of Kosovar women in employment processes. From various surveys conducted by different organizations operating in Kosovo, has been concluded that there is none equal participation between females and males in the labor market, and that this situation could derive of many factors, but legislation in force in Kosovo does not constitute an obstacle to the participation of Kosovo women in employment and decision-making positions. Furthermore, the Labor Law provides mitigating circumstances for women employed in specific situations, for example, when employed persons are in the period of pregnancy or during maternity leave, the employer has no right to transfer them to any job outside the residence without their consent<sup>8</sup>, and they have no right to arrange pregnant women in work night shifts. Also, the extension of maternity leave from 10 weeks as was the previous legislation in 6 months and with the possibility of extension of unpaid leave for another 6 months<sup>9</sup> is also a measure of relief for female employees, although a measure this measure often is a challenge for private employers in private sector. In most such cases, it presents a particularly difficult challenge for private sector employers.

Another important law that supports the participation of Kosovar women in the work process, as mentioned above, is the Law on Civil Service, which promotes the principle of gender equality by providing equal conditions and opportunities for participation in civil service in public administrative institutions either at the central or municipal administrative offices in Kosovo. However, unlike the legal provisions defining the obligations of the institutions for inclusion of minority ethnic communities in Kosovo civil service, which sets a quota of 10 percent for this purpose, such quota is not foreseen with this law for equality gender, even though such a quota is established in the Law on Gender Equality, which provides that gender equality is achieved when 40 percent of employees are of the opposite sex.<sup>10</sup>

Despite the achievements in terms of drafting laws and other legal acts in the area of gender equality, participation of women in leadership positions, especially decision still leaves much to be desired, as Kosovar women is not yet adequately represented in leadership positions, both in the public and in private sector. While the Law on Gender Equality considers that gender equality in the full sense of the word is reached when the representation of one gender

<sup>7</sup> Kosovo Assembly, Law no. 05/L-020 for Gender Equality, 2015

<sup>8</sup> Kosovo Assembly, Law no. 03/L-212 on Labour, 2010, Article 17

<sup>9</sup> Ibid,

<sup>10</sup> Kosovo Assembly, Law no. 05/L-020 for Gender Equality, 2015

in a particular social field or in a segment of this field is in the quota of 40 per cent, but that the same does not specify any fixed quota for decision-making positions.

## CONCLUSIONS

Despite the fact that the Kosovo legal order contains a fairly good legislation in ensuring gender equality, and despite the fact that have been established a number of mechanisms to promote gender equality, especially advancing the position of Kosovo women in work processes and in decision-making positions, there are still major challenges not only for the state institutions, but also to Kosovo society in general in order to achieve full equality in terms of gender issues. In this regard, the number of female employees in the public and private sector in the Republic of Kosovo is not proportional to the total number of population according to gender criteria. This proportion is even lower when it comes to the participation of Kosovo women in leadership positions decision.

As conclusion, only approval of laws is not desiderated effort to achieve gender equality in Kosovo institutions and society in general, because out of this there are also other factors that affect very important in this field, as can be: the level of economic and social development followed by insufficient number of kindergartens for child care in different towns and villages, then non-compliance of working hours between these gardens and kindergartens to schedule public and private institutions, lack of transport adequate for commuting to work, all of these can pose additional obstacles for all those women who are engaged in work processes.

Another important factor for advancing the position of women in Kosovo in the process of employment and especially in decision-making is professional education and training that women have. In this regard, Kosovo society besides families must do more efforts to support women in terms of education and their professional development, especially women from rural areas. This can be done through the provision of scholarships and other incentives for women that would help to increase the level of their education and therefore to advance the position in employment and decision-making.

Despite all efforts to advance the position of Kosovo women at work and in decision-making positions, definitively, Kosovo society must do more in raising awareness towards achieving gender equality, where besides education, informing and raising the awareness, enforcement of laws Kosovo approved by the Assembly relating to this area, are crucially important prerequisites for achieving the full meaning of this equality.

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