

Democratization Department

Prishtinë/Priština, July 2014

Discussion Paper

Women's Representation in Senior Decision-making Positions of Independent Institutions in Kosovo

Independent institutions are a key element of the governance system in Kosovo. There are two types of independent institutions in Kosovo: (1) those performing oversight of the government's compliance with good governance and human rights standards, such as the Ombudsperson Institution, the Office of the Auditor General and the Independent Oversight Board for Civil Service of Kosovo; and (2) agencies and regulators which perform a regulatory and/or licensing function such as the Independent Media Commission (IMC) and the Energy Regulatory Office. The term 'independent' refers to the need for the institutions to be safeguarded from undue influences, granting them political and operational autonomy. Hence, independent institutions are financed by and report to the Assembly of Kosovo. The Assembly of Kosovo also selects board members of independent institutions.

A 2012 report by the OSCE on "The State of Independent Institutions in Kosovo" identified several challenges independent institutions are facing in Kosovo, including an insecure legal basis for operations, inadequate financial autonomy, and delays in the appointment of board members.¹

This discussion paper builds on the findings of the 2012 report and presents statistical data on the representation of women in independent institutions, and explores key barriers to women's representation in senior decision-making positions through a series of interviews with members of governing boards and senior executives. For this purpose, female board members and senior executive officials of 25 independent institutions, 25 heads of independent institutions, ten representatives of Assembly of Kosovo committees, four women civil society leaders and two representatives of the government's agency for Gender Equality were interviewed.

It is hoped that the data presented in this paper will trigger a broader debate on the low representation of women in senior leadership positions of independent institutions involving political decision-makers as well as civil society experts that should produce recommendations for remedies. The OSCE will launch the debate on these findings at a roundtable with senior representatives of independent institutions, the Assembly of Kosovo and civil society in fall 2014.

Data on Representation of Women in Independent Institutions of Kosovo

Like the civil service, independent institutions are a bastion of women's employment in Kosovo. The average rate of representation of women among all staff of 25 independent institutions surveyed is 41%. This rate is the same for the Kosovo civil service (ministries, municipalities and executive agencies)², and is substantial, given the fact that only 10.7% of working-age women in Kosovo are employed.³

¹ OSCE Mission in Kosovo, *The State of Independent Institutions in Kosovo*, (Prishtinë/Priština, July 2012).

² Government of Kosovo, *Struktura Gjinore dhe Etnike e të Punësuarve në shërbimin civil të Kosovës*, <http://map.rks-gov.net/getattachment/353fcce3-1a25-4918-a615-3ff48ddf6194/Struktura-gjinore-dhe-etnike-e-te-punesuarve-ne-sh.aspx>, accessed 05/05/2014.

³ The World Bank, *Results of the Kosovo Labour Force Survey*, (Prishtinë/Priština, September 2013).

However, representation of women in senior positions is far lower. Only around 18% of board members of independent institutions are women, and only one serving chairperson of a board is a woman. Thirteen of these 25 institutions have no woman board members at all.

The discrepancy between high representation of women in junior and mid-level staff and low representation among senior staff is quite typical for the modern work environment as long-term private sector studies have shown; higher female labour market participation does not necessary lead to an increase in the number of female leaders.⁴

Table 1. Women Representation in 25 independent institutions⁵

Independent institutions	Currently serving board members (Total board members)	Serving women board members	Serving woman board members as a percentage	Total staff	Total women staff	Women staff as a percentage
Anti-corruption Agency*	1	0	0%	40	15	38%
Central Election Commission	11	1	9%	70	21	30%
Civil Aviation Authority	0	0	0%	26	8	31%
Competition Commission	1	0	0%	12	3	25%
Council for Free Legal Aid	6	2	33%	21	11	52%
Energy Regulatory Office	3	1	33%	19	6	32%
Cultural Heritage Council	0	0	0%	9	3	33%
Independent Commission for Mines and Minerals	1	0	0%	66	24	36%
Independent Media Commission ⁶	5	1	20%	31	15	48%
Independent Oversight Board for Civil Service	7	3	43%	18	8	44%
Judicial Council	11	2	18%	1480	666	45%
Judicial Institute	12	1	8%	25	15	60%

⁴ See Rohini Pande and Deanna Ford, *Gender Quotas and Female Leadership: A Review*. Background Paper for the World Development Report on Gender, (Harvard University, April 2011). Comparable data on female leadership in the public sector are not available.

⁵ Figures as of March 2014. Data were received from the Ministry of Public Administration of Kosovo and verified with independent institutions surveyed in May and June 2014.

⁶ Note that staff of the Independent Media Commission is also in service to Media Appeals Board. Therefore, the figure zero staff appears under Media Appeals Board in the table above.

Media Appeals Board	3	0	0%	0	0	0%
National Agency for Protection of Personal Data	5	0	0%	18	6	33%
Office of the Auditor-General	1	0	0%	148	72	49%
Ombudsperson Institution	6	1	17%	47	20	43%
Pension Savings Trust	6	0	0%	26	8	31%
Privatization Agency	5	1	20%	258	111	43%
Procurement Review Body	6	1	17%	16	6	38%
Property Agency	2	0	0%	233	83	36%
Public Procurement Regulatory Commission	3	1	33%	26	13	50%
Radio Television of Kosovo	11	5	45%	671	225	34%
Railways Regulatory Authority	0	0	0%	17	5	29%
Telecommunication Regulatory Authority	5	0	0%	30	11	37%
Water and Waste Regulatory Office	2	0	0%	17	9	53%
Total (Average)	113	20	18%	3324	1364	41%

*The Supervisory Commission of the Anti-corruption Agency was never elected.

Low Women Representation in Senior Positions – Why does it matter?

This low representation of women on boards matters for several reasons. Firstly, independent institutions are key watchdogs and regulators in Kosovo’s system of governance. Their leaders are highly visible. In order for these institutions to be legitimate in the eyes of the public, they need to be representative of the population.

Secondly, the current level of representation falls far short of the target of 40% women in senior positions in public institutions formulated in the Law on Gender Equality.⁷

Thirdly, this is especially worrying as we know from the private sector that higher women representation on boards is positively correlated with higher women representation in senior executive and line officer

⁷ “The implementation of legal and affirmative measures establish equal participation for both females and males in legislative, executive, judicial bodies of all levels and in public institutions, so that representation of both genders in these institutions high its level of their representation in the general population of Kosovo. Equal gender participation of both females and males is achieved in cases where the participation of the particular genders in the institutions, bodies or at the level of authority is 40%” Para 3.1 – 3.2, Law on Gender Equality in Kosovo (2004/2)

positions.⁸ In other words, gender-balanced boards are more likely to promote women to senior executive positions. Women leaders are role models for younger women, encouraging them to work towards executive responsibility. Women leadership signifies an inclusive workplace that is more appealing to young women. This increases the talent pool for the organization.

And finally, a high representation of women in senior positions is a predictor of better organizational performance. Private sector studies point to the fact that gender-balanced organizations perform better than their gender-biased peers on a range of indicators.⁹

Barriers to Women Representation

Few women apply or are nominated for senior positions in independent institutions. Assembly of Kosovo representatives interviewed cited a low number of women applicants/nominees ranging from a mere five per cent to 30 per cent of candidates for a given position. Interviewees for this discussion paper view this as the result of several discouraging factors:

- Women serving in senior positions in independent institutions feel party politicization of selection processes favour male candidates, which put women at a disadvantage when seeking these positions. These observations are echoed by other respondents, who cite male dominance of political parties as a discouraging factor for women advancement also in independent institutions.
- Another barrier is the unwillingness of those responsible for the selection or appointments to senior positions to put women in leadership positions. This observation was echoed by many of senior female staff as one likely reason for the low representation of women in senior positions of independent institutions and may be due to slow changes in social attitudes towards women and leadership.¹⁰
- Interviewees from all groups agreed that the difficulty of combining family and career discourages women from applying for leadership positions in independent institutions. According to their own estimates, 23 women on boards and in senior executive positions of independent institutions assumed 80% of the household and child care work in their families. Due to unequal sharing of parental and household work, women tend to have less work experience than men of the same age and level of educational, which hampers their chances of advancement.
- The availability of options and services allowing women to combine work and family is hence critical for career advancement. Availability of paternity leave for burden sharing of childcare work between mother and father is important in this regard. In Kosovo the system of paternity leave is rudimentary and inconsistent. Depending on whether the Law on Civil Service or the Law on Labour is applied fathers are allocated two or three days of paid leave and 15 or 14 days of unpaid leave.¹¹ Only one independent institution surveyed has a supplementary policy extending paternity leave for a few days.¹²

⁸ Catalyst, *Advancing Women Leaders: The Connection Between Women Board Directors and Women Corporate Officers*, (New York, 2008).

⁹ See for example Catalyst, *The Bottom Line: Corporate Performance and Women's Representation on Boards*, (New York, 2007).

¹⁰ See Rohini Pande and Deanna Ford, *Gender Quotas and Female Leadership: A Review*. Background Paper for the World Development Report on Gender, (Harvard University, April 2011).

¹¹ Law on Civil Service (Regulation No. 6/2011 on Civil Servant Leave); Law No. 03/L-212 on Labour.

¹² The Kosovo Pension Savings Trust through allocates five days of paternity leave additional to the provisions in the Law on Labour.

Another important factor affecting the unequal division of household and childcare responsibility is access to child care. Women board members of independent institutions mostly rely on private day-care facilities, which are easily available for institutions based in Prishtinë/Priština. Women in institutions based outside of Prishtinë/Priština often struggle to find suitable day-care for their children.

- Most independent institutions lack enforcement policies for gender balance, such as mandatory quotas. Among those surveyed, only two independent institutions, the Radio Television of Kosovo and the Independent Media Commission have a quota to ensure gender diversity of board members.¹³
- Finally, only six independent institutions have policies that reinforce a diversity-and women-friendly work environment.¹⁴ These include sexual harassment policies above and beyond the protection offered by the civil service regulatory framework.¹⁵ About half the institutions surveyed offer women flexible work hours to accommodate childcare and household duties. This arrangement is largely informal and at the discretion of the respective supervisors.

¹³ See Article 26. 6. of the Law 2011/04-L-046 on RTK: and Article 10 of the Law No. 04/L-044 on the Independent Media Commission: “5. The composition of members of the IMC shall reflect the multi-ethnic and diverse gender character of Kosovo. At least [...] two (2) members of the IMC shall be of female sex.”

¹⁴ Six institutions: Ombudsman’s Ethics Code; Code of Ethics of RTK; The KPA Personnel Policies; Internal Regulation of Trust; UNMIK Code against sexual harassment of Procurement Review Body; Code of ethics for the employees of the National Agency for the Protection of Personal Data.

¹⁵ Regulation no. 04/2011 on disciplinary procedures for Civil Servants (Article 116 paragraph 1.20); Code of ethics for the Civil Servants of the Republic of Kosovo, No. 01/2006.