



**Kosovo Women's Network**  
*Serving, Protecting and Promoting the Rights of Women and Girls*

## **DISCUSSION PAPER**

# **How Might EU Accession Impact Gender Equality in Kosovo?**

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## Acronyms

EC	European Commission
ECJ	European Court of Justice
EEC	European Economic Community
EIGE	European Institute for Gender Equality
ECSC	European Coal and Steel Community Treaty
EU	European Union
KAS	Kosovo Agency of Statistics
KWN	Kosovo Women's Network
LGE	Law on Gender Equality
MEI	Ministry of European Integration
NGO	Non-governmental organisation
NPISAA	National Program for the Implementation of the Stabilisation and Association Agreement
OECD	Organisation for Economic Co-operation and Development
SAA	Stabilization and Association Agreement
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme

## Executive Summary

This paper examines the potential impact that joining the European Union (EU) may have on gender equality in Kosovo. The paper draws from the experiences of other EU countries, examining the extent to which joining the EU has had a positive, negative or no effect on gender equality. While the potentially differing political, economic and social contexts of these countries must be considered, lessons learned from other countries may be useful for Kosovo.

This paper used mixed research methods, including: a rapid review of the existing relevant legal framework; desk research regarding the impact that joining the EU has had on gender equality in other countries; and statistical analyses of key indicators pertaining to gender equality. The paper focuses on how joining the EU affected gender equality with regard to: political participation, education, vocational training, health, poverty, employment, unemployment, the gender pay gap and childcare. Notably, the methodology used in this paper may have missed other important indicators of how joining the EU may impact gender equality. Due to issues with data availability, the analysis focuses primarily on the period immediately before EU Accession to the present. Limitations in the dimensions of gender equality examined and the availability of statistical data call for caution in interpreting results. In particular, the unavailability of comparable data across countries and over time for the years prior to EU Accession may mean that some changes that did occur could not be observed with the data analysed here.

Given the insufficient data available, it is difficult to predict using statistical analyses how joining the EU may affect gender equality in Kosovo. In most dimensions examined here, Kosovo trails behind other European countries both overall and related to gender equality. Findings suggest that the pre-accession negotiations process and officially joining the EU will not automatically address Kosovo's gender inequalities, regardless of how equality is defined. This seems particularly likely in areas where the EU holds few competencies, such as education and politics. While EU Accession may have a modest positive impact for *some* countries related to decreasing gender inequalities in unemployment, shrinking the gender pay gap and improving access to tertiary education and healthcare, it is hard to assess with certainty given the lack of comparable time-series statistical data. Notably, social change also takes time. While policy changes occurring during the EU Accession process may positively impact gender equality in the long-term, their effects may not be visible at this early juncture.

Thus, the EU Accession process may be important in and of itself for furthering gender equality, such as by encouraging alignment of Kosovo law with the EU gender equality *acquis* and anti-discrimination principles. Indeed, women's rights activists in other countries have observed and emphasized the importance of utilizing the momentum of the EU Accession process to put in place policies that will safeguard and further gender equality in the future. In line with the new EU Gender Action Plan (GAP),<sup>1</sup> the EU can incentivize the Government of Kosovo to pass policies in line with the gender equality *acquis*, as well as to ensure their implementation. Carefully tracking the extent to which Kosovo's EU Accession process contributes to gender equality over time could provide valuable information for researchers and policy-makers in the future.

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<sup>1</sup> Council of the European Union, General Secretariat of the Council, 'Council Conclusions on the Gender Action Plan 2016-2020', Brussels: Council of the European Union, 2015.

# Introduction

EU Accession is a political priority for the Government of Kosovo. Kosovo signed the Stabilization and Association Agreement (SAA) in 2015 and adopted a National Program for the Implementation of the Stabilisation and Association Agreement (NPISAA) in March 2016.<sup>2</sup> Further, government officials regularly state publicly their commitment to 'Euro-Atlantic Integration'.<sup>3</sup> However, there has been minimal public discussion regarding what *exactly* EU Accession will mean for Kosovars in their everyday lives. Even less information exists regarding the potentially gendered dimensions of EU Accession. No known analyses have examined the potential impact that EU Accession may have on women and girls in Kosovo. In line with the Kosovo Law on Gender Equality (LGE), gender impact analyses are important for informing new policies and laws,<sup>4</sup> including related to EU Accession, ensuring that these do not have a detrimental impact on women or men.

In this context, this paper examines how EU Accession may impact gender equality, drawing from the experiences of other countries. If gender inequalities were found to have resulted from the EU Accession process, this paper sought to identify which policies could be put in place to pre-empt any potential adverse effects on women and men in Kosovo. Initially, this paper thus aimed to inform the policy-making process related to Kosovo's EU Accession by learning lessons from other countries' experiences with this process. Further, understanding the impact that EU Accession has had (or not) on gender equality arguably is a contribution to knowledge in itself and can be interesting for a broader audience, as well.

## Methodology

This research sought to answer the question: how might EU Accession impact gender equality. Initially, the analysis sought to examine changes that occurred over two different timeframes: first, before and after joining the EU, generally; and second before the EU Accession process began and after joining the EU. For the first, the hypothesis was that gender equality would improve in a country when comparing the period before a country joined to the period after a country joined, with actual membership being a pivotal moment for the country to show significant improvements in gender equality. For the second, the hypothesis was that the EU Accession process *itself*, prior to joining the EU, could contribute to gender equality because countries would begin aligning their laws and policies with those of the EU before actually joining the EU; this could allow for improvements to be seen *during* the Accession process and not necessarily only before and after the date on which a country became an EU Member State.

Delving deeper into data collection to test these two hypotheses revealed, however, that insufficient data was available to assess changes that occurred during the EU Accession process. Therefore, the second hypothesis is not investigated in this paper. Findings focus on the first hypothesis: before and after joining the EU. The analysis primarily involved countries that joined the EU after 2000, as more data was available for these countries, enabling comparison, pre- and post-accession. Insufficient data also meant that individual countries sometimes had to be removed from analyses. Therefore, for each indicator, the countries analysed are defined in a footnote. The lack of comparable data is a significant limitation for this paper because as the aforementioned second hypotheses suggested, the possibility exists that the EU Accession process, sometimes beginning a decade prior to joining the EU, may have contributed to gender equality in some countries, but data

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<sup>2</sup> Government of Kosovo, 'National Program for Implementation of the Stabilization and Association Agreement', Prishtina: Government of Kosovo, 2016.

<sup>3</sup> For example, see: 'The interview of President Hashim Thaçi to the Voice of America', *Voice of America*, at: [http://www.president-ksgov.net/?page=2,10,4372#.WCWWn\\_krK0I](http://www.president-ksgov.net/?page=2,10,4372#.WCWWn_krK0I); Republic of Kosovo, the Office of the Prime Minister, 'Prime Minister Mustafa: EU integration, steering value for Kosovo society'; Republic of Kosovo, President, 'President Jahjaga's Speech at the third meeting of the National Council on European Integration'.

<sup>4</sup> Assembly of the Republic of Kosovo, Law No. 05/L-020 on Gender Equality, 28 May 2015.

was unavailable to measure this. For example, for the 13 countries that joined after 2000, the average time from the beginning of the EU Accession process until they joined was six years. The average time from when they applied to when they joined was 10 years. Often, data on indicators was available only for a few years prior to the year when the country joined the EU. Thus, the most this paper can measure and conclude is whether the *immediate* EU Accession process and initial EU membership has impacted gender equality in the short-term.

In measuring changes in gender equality, the analysis discusses changes for women and men, but more importantly the gap that exists *between* women and men. Improved gender equality was defined as a decrease in the gap between women and men, and not merely an improvement for women and/or men.

Several potential dimensions of gender equality exist. The European Institute for Gender Equality (EIGE), for example, enlists 2,034 different potential indicators of gender equality, not all of which could be examined through this paper.<sup>5</sup> For this paper, gender equality was operationalized using the following dimensions: political participation, education, employment, the gender pay gap, poverty, health and childcare. Part of the rationale for selecting these particular dimensions of gender equality was that they comprised recurring themes that emerged from the existing literature pertaining to EU Accession and gender equality. Other authors already had written about how EU Accession had or could have impacted childcare,<sup>6</sup> employment,<sup>7</sup> and health<sup>8</sup> in their countries. This sparked an interest to investigate whether these areas perhaps may be affected as part of Kosovo's EU Accession process. The second reason for selecting these particular dimensions of gender equality was that for other measures data tended to either not be available for the pre-accession period, rendering comparisons over time impossible; or data was inconsistent because different methodologies were used in data collection, also hindering comparisons of the data over time. A third factor considered in selecting these indicators was their likely relevance to Kosovo in its EU Accession process and the availability of data in Kosovo that would enable some basis for comparison. Initially these indicators were selected in relation to KWN's Strategy for 2015-2018, which was based on a very participatory process with women's groups throughout Kosovo, who identified crucial areas of concern for women's rights and gender equality. These became the strategic areas of focus for KWN's Strategy and thus were the focus also of this research, as areas considered to be the most worrying to women's rights activists and in need of best practices from other countries that had preceded Kosovo in joining the EU. In this sense, the selection of these particular dimensions related to the initial research aim that findings could be used to inform Kosovo's EU Accession process. More specifically the measures used included:

- **Political participation:** operationalized as the percent of ministers in national governments that are women and men; and the percent of national parliament members that are women and men. Representation within political parties and at the local level, were not examined due to insufficient available data over time.
- **Education:** operationalized using two measures: completion of upper secondary and post-secondary non-tertiary education; and completion of tertiary education.
- **Employment:** focusing on employment and unemployment rates. Researchers tried to analyse the employment rate of adults by age groups, educational attainment level, number of children and age of youngest child, but data was unavailable before 2005. While other dimensions such

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<sup>5</sup> 'Gender Statistics Database', EIGE, accessed 9 December 2016, at: <http://eige.europa.eu/gender-statistics/dgs/browse/ta>.

<sup>6</sup> Bulgaria Gender Research Foundation, *Gender Assessment of the Impact of EU Accession on the Status of Women and the Labour Market in CEE, National Study: Bulgaria, Karat Coalition and UNIFEM*, Sofia: 2003

<sup>7</sup> Michaela Marksova-Tominova, 'Gender Assessment of the Impact of EU Accession on the Status of Women and the Labour Market' in *CEE, National Study: Czech Republic, Karat Coalition and UNIFEM*, Prague: 2003.

<sup>8</sup> Angelika von Wahl, 'The EU and Enlargement: Conceptualizing beyond "East" and "West"', in *Gender Politics in the Expanding European Union*, Silke Rothe (ed.).

as sector gender segregation, quality of work or abilities to decide about one's work may also be important reflectors of gender equality, time restrictions for the data analysis led the research team to limit study of employment to these two dimensions. Future study could examine others.

- **Gender pay gap:** examines the 'difference between men's and women's pay, based on the average difference in gross hourly earnings of all employees'.<sup>9</sup> Data existed on Eurostat from 1994-2005. However, the methodology changed in 2005. The Organisation for Economic Co-operation and Development (OECD) had data from 2000 to present, but used a different methodology. In the end, Eurostat data was used.<sup>10</sup>
- **Poverty** was measured using the at risk of poverty rate.
- **Health** was measured using two dimensions of self-perceived health and unmet medical needs.
- **Childcare** examined the percentage of children with access to childcare, based on the EU Barcelona Objectives.

Initially, the dimensions of domestic violence, sexual harassment, pensions and human sex trafficking also were considered. However, these were later dropped from the analysis due to a lack of data at the country level, widely differing measures and/or methods of data collection that made it difficult to make comparisons across countries. As noted, several other potential dimensions of gender equality exist that were not examined here, usually for a similar reason of unavailable, comparable data over time.

The choices made regarding the timeframe studied and the way in which gender equality was operationalized clearly limit the research findings and their generalizability. First, the decision not to compare data from before the pre-accession process due to lack of data undermines significantly the ability to identify the impact that pre-accession processes may have had on these indicators. Second, the indicators selected may not be the best measures of gender equality. Readers should bear these limitations in mind.

Conducted in 2016, this research involved mixed methods, including: a rapid review of the existing relevant legal framework; desk research regarding the impact that joining the EU has had on gender equality in other countries; statistical analyses of key indicators pertaining to gender equality; and consultations with activists and officials in Kosovo.

Most data came from Eurostat or EIGE, unless otherwise noted. Mixed-effect linear regression models with country as a random variable were used to assess the interaction between changes in indicators over time by gender and EU membership status. All models included an interaction term between gender and EU status. Throughout this paper, the term 'significant' indicates that a statistically significant relationship at  $p < 0.05$  was identified. In several instances, countries demonstrated improvements in gender equality over time, but no statistically significant relationship existed with joining the EU during the period examined. As this research focused on the potential impact of EU Accession, it was beyond the scope of this particular research to examine how other factors outside EU Accession may have influenced these changes. These could be areas for further research.

## About This Paper

The paper begins with a brief history of the EU and Western Balkan aspirations for EU Accession.<sup>11</sup> It reviews briefly key EU gender equality legislation, focusing on EU directives relevant to

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<sup>9</sup> European Commission, *Tackling the gender pay gap in the European Union*, Luxembourg: 2013, p. 2. The rest of the information in this paragraph refers to the same report unless otherwise noted.

<sup>10</sup> This is the only indicator examined for which Kosovo does not have data, but it was selected given that Kosovo may soon be able to collect such data as part of its efforts to establish the EU Gender Equality Index. It was considered important also given its history in relation to the EU.

<sup>11</sup> The term 'Western Balkans' is used here as the EU parliament uses this term in referring to Croatia, Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia

Kosovo. Then, the paper analyses the position of women, men and gender equality before and after joining the EU, focusing on the aforementioned dimensions: political participation, education, health, poverty, employment, the gender pay gap and childcare.<sup>12</sup> In each section, a brief overview of the current situation in Kosovo is presented in order to provide a context for how Kosovo compares to EU countries. Where logical conclusions or recommendations can be drawn related to Kosovo's EU Accession process, they are stated. Afterward, quantitative data is contextualized by a brief review of critical appraisals of the EU Accession process and its impact on gender equality in a few specific Member States. In the end, the paper reviews conclusions that can be drawn from this particular research, providing some points to consider in Kosovo's EU Accession process.

## **A Brief History of the European Union**

In 1952, Belgium, France, West Germany, Italy, Luxembourg and the Netherlands founded the European Coal and Steel Community Treaty (ECSC), creating the initial foundation for the EU. In 1957, the same states established the European Economic Community (EEC). Denmark, Ireland and the United Kingdom (UK) joined in 1973, followed by Greece (1981), Portugal and Spain (1986). Then, the Maastricht Treaty established the EU in 1993 and introduced European citizenship. The aforementioned twelve countries were joined by Sweden, Austria and Finland in 1995.<sup>13</sup> In 2004, ten more countries joined the EU: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. This was the largest accession and the first eastern enlargement. Bulgaria and Romania joined in 2007. The most recent country to join was Croatia in 2013, bringing the total number of EU Member States to 28 as of 2016.

Any country wishing to become an EU member must conform to the conditions and principles laid out in the Treaty on European Union.<sup>14</sup> Countries must meet certain criteria for admission. These criteria (known as the Copenhagen criteria) are:

stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union.<sup>15</sup>

## **EU Accession in the Western Balkans Region**

In 2003, the EU-Western Balkans Summit was held in Thessaloniki. The summit gathered EU Member States as well as EU Accession and candidate countries. A joint Declaration was adopted at the summit that, among other things, welcomed the endorsement of the Thessaloniki agenda for the Western Balkans. The EU reiterated its support for Western Balkan countries joining the EU.<sup>16</sup> Currently, Albania, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey are

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(European Parliament, 'Fact Sheets on the European Union: The Western Balkans', accessed 3 December 2016, at: [http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU\\_6.5.2.html](http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_6.5.2.html)).

<sup>12</sup> Beyond these areas in which gender equality was examined here, other important issues concerning gender equality exist, such as related to domestic violence, sexual harassment and pensions. However, insufficient, quality data was available that would enable comparisons of changes that may have occurred before and after joining the EU.

<sup>13</sup> Martin Sajdik and Michael Schwarzingger, *European Union Enlargement: Background, Developments, Facts*, 2008, p. 6.

<sup>14</sup> The Treaty on European Union, Art. 49 and 6(1).

<sup>15</sup> Eur Lex (access to European Union law), 'Accession criteria (Copenhagen criteria)', at: [http://eur-lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html).

<sup>16</sup> Chair of the Paris Western Balkans Summit, Declaration from the EU-Western Balkans Summit, Thessaloniki: 2003.



candidates for EU membership. Bosnia and Herzegovina formally submitted their application for membership in February 2016,<sup>17</sup> and Kosovo is seen as a potential candidate. However, Kosovo remains in uncertain contractual relations with the EU since five EU member states do not recognise Kosovo's statehood.<sup>18</sup>

## The EU Gender Equality *Acquis*

According to Burri and Prechal, 'The term "EU gender equality *acquis*" refers to all the relevant Treaty provisions, legislation and the case law of the European Court of Justice (ECJ) in relation to gender equality'.<sup>19</sup> Countries must possess the capacity to implement effectively the rules, standards and policies that comprise the EU gender equality *acquis*. This section outlines the main EU treaty provisions, legislation and case law under the EU gender equality *acquis*, which Kosovo should strive to implement:

- The Treaty on the Functioning of the European Union establishes the principle of equal pay for women and men.<sup>20</sup> A 1976 ECJ ruling established that this principle is not only economic, but social,<sup>21</sup> and afterwards that its social aim takes precedence over its economic aim.<sup>22</sup> The Court further ruled that equal pay is a fundamental human right.<sup>23</sup>
- Charter of Fundamental Rights of the European Union which among others prohibits discrimination on the basis of sex and recognizes the right to gender equality in all areas.<sup>24</sup>
- The Directive on Equal Pay for Men and Women (75/117) covers the application of the principle of equal pay for men and women, aiming to eliminate all discrimination on grounds of sex in relation to payment.<sup>25</sup>
- The Lisbon Treaty underlines the importance of non-discrimination and equality as fundamental principles of EU law.<sup>26</sup>
- The Directive on Equal Treatment of Men and Women in Employment (76/207) aimed to put into effect in Member States the principle of equal treatment for men and women 'regarding access to employment, including promotion, and to vocational training, working conditions and social

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<sup>17</sup> European Commission, 'Joint statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the occasion of Bosnia and Herzegovina submitting membership application', 2016.

<sup>18</sup> European Commission, 'European Neighbourhood Policy and Enlargement Negotiations: Kosovo', at: [http://ec.europa.eu/enlargement/countries/detailed-country-information/kosovo/index\\_en.htm](http://ec.europa.eu/enlargement/countries/detailed-country-information/kosovo/index_en.htm).

<sup>19</sup> Susanne Burri and Sacha Prechal, *EU Gender Equality Law*, Update 2013, p. 1.

<sup>20</sup> The Treaty on the Functioning of the European Union, Art. 157 (former Art. 119 EEC, former Art. 141 EC), 1958.

<sup>21</sup> ECJ, 8 April 1976, Case 43/75 Gabrielle Defrenne v Société Anonyme Belge de Navigation Aérienne Sabena [1976] ECR 455 (Defrenne II).

<sup>22</sup> ECJ, 10 February 2000, Case C-50/96 Deutsche Telekom AG, formerly Deutsche Bundespost Telekom v Lilli Schröder [2000] ECR I-743 (Schröder).

<sup>23</sup> ECJ, 15 June 1978, Case 149/77, Gabrielle Defrenne v Société Anonyme Belge de Navigation Aérienne Sabena [1978] I 365 (Defrenne III).

<sup>24</sup> Charter of Fundamental Rights of the European Union (2000/C 364/01), art. 21 and 23, at: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>25</sup> Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.

<sup>26</sup> Foreign and Commonwealth Office London, 'Consolidated Texts of the EU Treaties as amended by the Treaty Of Lisbon', Consolidated Version of the Treaty on European Union, 2008, Art. 2 at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228848/7310.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf).

security'.<sup>27</sup> It was later amended by Directive 2002/73/EC4 on equal treatment for men and women in the access to employment, vocational training, promotion and working conditions.

- The Directive on Equal Treatment of Men and Women in Occupational Social Security Schemes (86/378) has the objective to implement in occupational social security schemes the principle of equal treatment for men and women.<sup>28</sup> The Directive was later amended by Directive 96/97/EC6 on equal treatment for men and women in occupational social security schemes.
- The Directive on the Burden of Proof (97/80) aimed to ensure that the measures taken by the Member States to implement the principle of equal treatment are made more effective, 'in order to enable all persons who consider themselves wronged because the principle of equal treatment has not been applied to them to have their rights asserted by judicial process after possible recourse to other competent bodies'.<sup>29</sup>
- The Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity aims to put into effect the principle of equal treatment between self-employed men and women.<sup>30</sup>
- The Pregnant Workers Directive (92/85/EEC) aims to protect the health and safety of women in the workplace 'when pregnant or after they have recently given birth, and women who are breastfeeding'.<sup>31</sup>
- The Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin which recognized that 'women are often the victims of multiple discrimination'.<sup>32</sup>
- The Parental Leave Directive concludes that all workers, men and women, regardless of their type of employment are entitled to parental leave.<sup>33</sup>
- The Directive on Equal Treatment of Men and Women in the Access to and the Supply of Goods and Services (2004/113) establishes a framework to tackle gender discrimination in access and supply of goods and services in public and private sectors.<sup>34</sup>
- Directive 2006/54/EC on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation came into effect in 2009. This Directive is also known as the Recast Directive, and it joined the existing directives on gender equality.<sup>35</sup> The Recast Directive defines concepts of direct and indirect discrimination,

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<sup>27</sup> Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions.

<sup>28</sup> Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

<sup>29</sup> Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

<sup>30</sup> Council Directive 86/613, which is repealed by Directive 2010/41, Summary of Directive 2010/41/EU.

<sup>31</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

<sup>32</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>33</sup> Council Directive 96/34, which is repealed by Directive 2010/118, Summary of Council Directive 2010/18/EU.

<sup>34</sup> Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

<sup>35</sup> This Directive incorporated the Directive 76/207/EEC as amended by Directive 2002/73/EC4 on equal treatment for men and women in the access to employment, vocational training and promotion and working conditions, Directive 86/378/EEC, as amended by Directive 96/97/EC6 on equal treatment for men and women in occupational social security schemes, Directive 75/117/EEC on equal pay between men and women and Directive 97/80/EC on the burden of proof (Susanne Burri and Sacha Prechal, *The Transposition of Recast Directive 2006/54/EC*, 2009).

harassment and sexual harassment, as well as issues of equal pay and equal treatment. It includes provisions related to remedies and penalties, the burden of proof, victimisation, the promotion of equal treatment through equality bodies, social dialogue and dialogue with non-governmental organisations (NGOs).<sup>36</sup>

- The Directive on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims (2011/36/EU) establishes common rules for offences of trafficking in human beings and for punishing offenders. It also provides measures to prevent human trafficking and to strengthen the protection of victims.<sup>37</sup>

Notably, most of the EU gender equality *acquis* addresses equal treatment and non-discrimination at work. Directives do not deal explicitly with other areas where gender inequalities may exist, such as related to education or health. This could mean that adopting and implementing the EU gender equality *acquis* as part of the EU Accession process may not have any impact on these particular sectors. While it was outside the scope of this paper to undertake a thorough review of Kosovo's legal framework and its alignment with the EU gender equality *acquis*, this is an important area for further research. The EU gender equality *acquis* provides an essential framework and context for discussing Kosovo's EU Accession process from a gender equality perspective.

## **Kosovo and EU Accession**

Kosovo is in the process of EU Accession. The Assembly of the Republic of Kosovo ratified the SAA in November 2015. No gender analysis was carried out to inform the drafting of the SAA; gender equality and women's rights hardly feature into its content.<sup>38</sup> The Ministry of European Integration (MEI) developed the National Plan for Implementing the Stabilization and Association Agreement (NPISAA), which is the main policy document guiding Kosovo institutions' work towards EU Accession. However, gender is insufficiently mainstreamed within it, and the document does not pay adequate attention to women's rights. In accordance with the Law on Gender Equality in Kosovo, all laws and policies should consider the needs and interests of diverse women and men.<sup>39</sup>

## **The Impact of EU Accession on Gender Equality**

This section uses statistical analysis on several different indicators of gender equality to assess the extent to which EU Accession may have contributed to gender equality in EU Member States.<sup>40</sup> Central and Eastern European (CEE) countries and South Eastern European (SEE) countries that have joined the EU were analysed separately to assess if joining the EU may have affected gender equality differently in these particular regions. CEE countries include: Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.<sup>41</sup> SEE countries were defined to include: Bulgaria, Croatia, Cyprus, Greece, Romania and Slovenia.<sup>42</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

<sup>38</sup> The only two references to women in the document relate to equal opportunities (in employment) and working conditions for women (Art. 106). There is not a single mention of gender equality.

<sup>39</sup> Assembly of the Republic of Kosovo, Law No. 05/L-020 on Gender Equality, Art. 5 (para. 1.3).

<sup>40</sup> For further information about the methodology, please see the introduction. For analysis of EU Member States' individual and joint progress towards gender equality over time, see the EIGE EU Gender Equality Index, at: <http://eige.europa.eu/rdc/eige-publications/gender-equality-index-2015-measuring-gender-equality-european-union-2005-2012-report>.

<sup>41</sup> The Organisation for Economic Co-operation and Development (OECD) also includes Albania in its definition of CEE (OECD, 'Glossary of Statistical Terms: Central and Eastern European Countries', updated 2 November

Each section that follows on political participation, education, employment, the gender pay gap, poverty, health and childcare begins by examining how EU Accession may have affected gender equality for countries that have joined the EU. Then, the current situation in Kosovo related to that theme is described briefly, and any relevant conclusions are drawn.

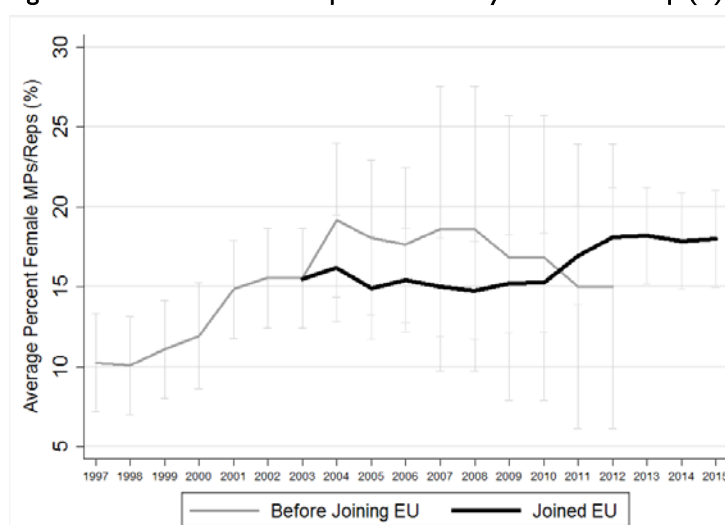
## Political Participation

One indicator of gender equality is women's equal participation in political processes, including in decision-making roles.<sup>43</sup> An increase in women's participation in this case usually evidences an increase in gender equality. In 2015, on average, women comprised 26% of national parliaments in the EU. Women held 28% of ministerial positions; and seven percent of Member States' prime ministers were women. Most European countries apply gender quotas which vary in design and intent. Countries that have applied these quotas have seen a visible increase in women's participation in politics and thus an increase in gender equality. From all countries that joined the EU after 2000, only Bulgaria, Estonia and Latvia do not have gender quotas in their legislation.

Overall, there has been an increase in the percentage of women represented in national parliaments (see Figure 1).<sup>44</sup> On average, since 1997 the percentage of women in national parliaments has increased by 0.5 percentage points each year.<sup>45</sup> However, during the period examined, joining the EU does not seem to have had a significant impact on women's representation in national parliaments in the short-term. There has not been any significant increase in women's representation since 2012. As Figure 1 illustrates, women and men remain unequal in national parliaments.

Some Eastern European countries have witnessed a decrease in women's participation in national parliaments. For example, currently women's participation in the Bulgarian parliament is 20.4%, which is a slight decrease from 21.4% in 2007 when Bulgaria joined the EU, and a substantial decrease since 2001 when women comprised 26.2% of the parliament. After Romania joined the EU in 2007, women's participation in the Chamber of Deputies increased from 9.4% in 2007 to 13.7% in 2015. However, women's participation in the Senate fell from 10.2% to 7.7%. Although the total number of women running in Croatia's parliamentary elections increased from 24% of candidates in 2000 to 41% in 2015, in November 2015 women received only 15.2% of the seats.<sup>46</sup> Croatia has not had this low of participation of women since 1999 when women comprised 7.9% of the parliament. However, in general, women's participation in national parliaments was not significantly different after joining the EU.

Figure 1. Women National Representatives by EU Membership (%)



2001, at: <https://stats.oecd.org/glossary/detail.asp?ID=303>). As Albania is not yet a Member State, it had no basis for comparison and thus was not included in the analysis.

<sup>42</sup> Anastasios Karasavoglou, Serdar Ongan and Persefoni Polychronidou, *EU Crisis and the Role of the Periphery*, Switzerland, 2015, p. 47.

<sup>43</sup> Data for this indicator is taken from Inter-Parliamentary Union, at: <http://www.ipu.org/english/home.htm>

<sup>44</sup> This analysis is based on data from the following countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Bulgaria, Romania and Croatia.

<sup>45</sup> A 'percentage point' is the difference between two percentages.

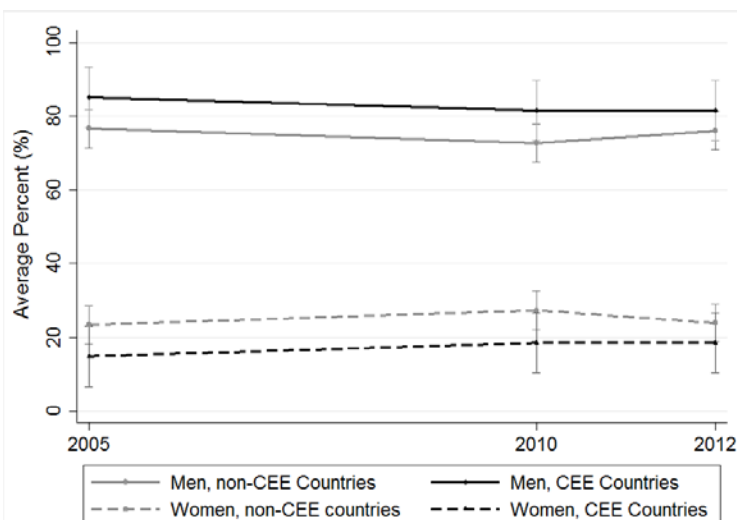
<sup>46</sup> Hina, 'Croatia ranked 92nd by percentage of women in parliament', Europe Balkan Latest News, July 2016, at: <https://eblnews.com/news/croatia/croatia-ranked-92nd-percentage-women-parliament-30658>.

Women's representation in ministries has remained fairly consistent from 2005 to 2012.<sup>47</sup> On average, 77% of ministers have been men and 23% have been women in the EU. Women's representation among ministers is significantly lower in CEE and SEE countries, where, on average, 17% of ministers have been women.

Women in Kosovo continue to be underrepresented in decision-making positions. Currently, women hold 32.5% of seats in the parliament. Only three women serve as ministers, out of 21 (14%). Of 33 mayors, only one is a woman. The Law on General Elections has a gender quota, which requires women and men, respectively, to comprise 30% of all candidates on the candidate lists of political parties.<sup>48</sup> This Law does not comply with the Law on Gender Equality which foresees equal participation of men and women at every level of decision-making in political and public life, defined as 50%.<sup>49</sup>

In conclusion, the EU does not have binding policies relating to women's participation in politics. Joining the EU in itself, when studied in this timeframe, does not seem to have increased gender equality with regards to political participation. Kosovo already has a legal framework in place towards increasing furthering gender equality in political participation. Better aligning the Law on General Elections with the Law on Gender Equality could contribute to further promoting women's participation in politics, including in decision-making positions.

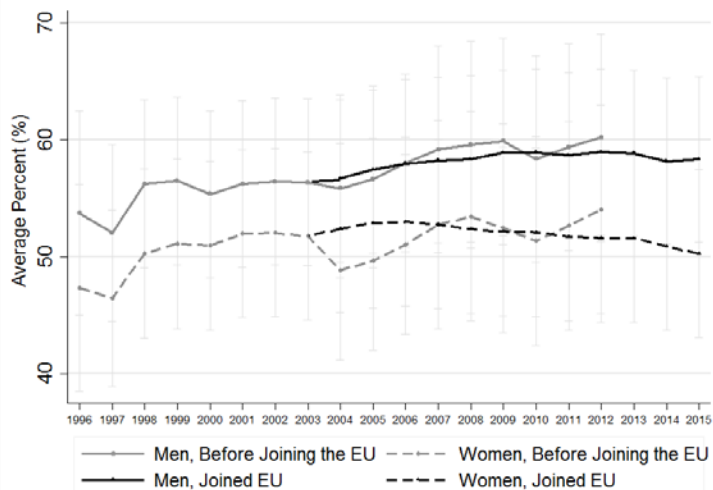
Figure 2. Ministerial Representation by Gender in CEE Countries



## Education

This section examines gender equality in accessing education. Before joining the EU, on average, 51.3% of women had an upper secondary school education.<sup>50</sup> After joining the EU, this increased only slightly to 51.8%. For men, the average percent with an upper secondary school education before joining the EU was 56.4% and after joining was 58.3%. Fewer women had an upper secondary school education than men; on average, women were 5.1 percentage points lower than men. In general, there

Figure 3. Estimated Percent of Citizens with Upper Secondary School by Gender and EU Membership



<sup>47</sup> This analysis is based on data from the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

<sup>48</sup> Law No. 03/L-073 On General Elections in the Republic of Kosovo, Art. 27.

<sup>49</sup> Law on Gender Equality, Art. 3 (1.10).

<sup>50</sup> This analysis is based on data from the following countries: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

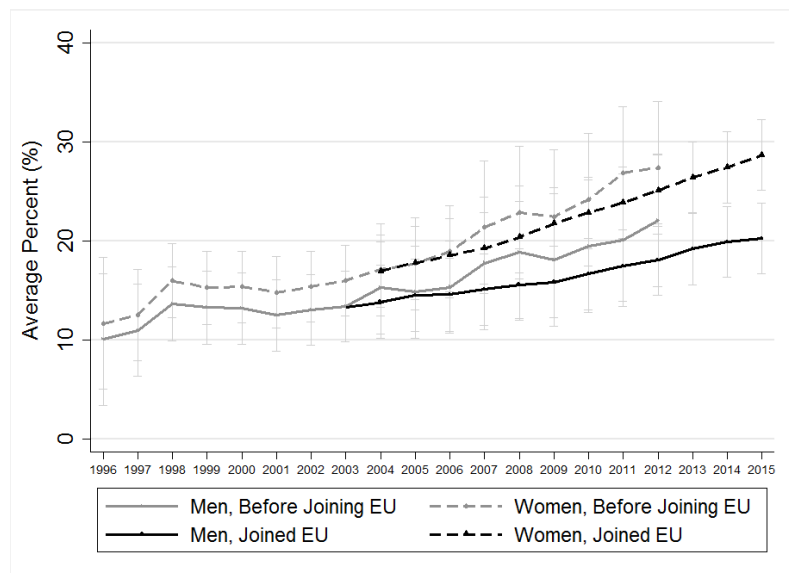
was no significant difference over this time period in the percentage of women and men with upper secondary school education.

Looking at individual countries not included in the aforementioned statistical analysis or Figure 3 above, Greece, Italy, Luxembourg, Portugal and the UK had at least a 10% increase in the percentage of women with upper secondary school education since 1995. However, it is unclear whether this can be attributed to joining the EU as these countries joined the EU prior to 1995, and the prior data was not examined in the analysis.

The trend was similar for CEE countries. On average, the percent of women with an upper secondary school education was 6.9 percentage points lower than men. After joining the EU, the percentage with upper secondary school was on average 1.6 percentage points higher. However, this change was more apparent for men than for women. For women, the average percent with upper secondary school before joining the EU was 55.4% and after joining the EU was 55.9%. For men, the average percent with upper secondary school before joining the EU was 61.6% and after joining the EU was 63.2%. This suggests that the gap between women and men has grown slightly during the period studied.

At least since 1996, women have represented a majority of university graduates in the EU. There has been an increase in the percentage of women with tertiary education in the EU. Further, the percentage of women with a tertiary education has increased faster than it has for men. An interesting outlier is Cyprus, where the rate of women that have finished university education has doubled from 31.5% in 2000 to 60.5% in 2015. However, in the countries studied, on average there was no significant difference in the percent of persons with tertiary

Figure 4. Tertiary Education by Gender and EU Membership



education in the time period just before and just after joining the EU. Neither SEE nor CEE countries had a statistically significant difference in increased tertiary education that seemed to relate to EU membership in the short term. The gap between women and men seems to have widened during the period studied.

While it was not studied over time, at present women remain particularly overrepresented in sectors linked to women's traditional social roles, such as health, welfare, humanities, arts, teaching and education.<sup>51</sup> In 2012, men comprised a majority of graduates in engineering, manufacturing and construction. The participation of women and men is most balanced in agriculture and veterinary medicine.

Kosovo has much lower levels of education than the EU average. According to the 2011 Census, 31.3% of Kosovars had completed upper secondary or additional education, approximately 15 percentage points less than the 2015 EU average. Further, the gender gap between women and men is wider in Kosovo than in the EU; 39.8% of men have completed at least upper secondary education compared to 22.7% of women. As of 2011, only 4.9% of the Kosovo population had a bachelor,

<sup>51</sup> EIGE, 'Beijing +20: The Platform for Action (BPfA) and the European Union, Area B: Education and Training of Women', accessed 3 December 2016, at: [http://eige.europa.eu/sites/default/files/documents/B\\_MH0415022ENC.pdf](http://eige.europa.eu/sites/default/files/documents/B_MH0415022ENC.pdf).

master or doctorate degree, including 6.0% of men and 3.8% of women.<sup>52</sup> In the 2015/2016 academic year, approximately 45.8% of active students in Kosovo's public universities were men and 54.1% were women. In private colleges, 41.7% of students were women and 58.2% men.<sup>53</sup> While it varies slightly from year to year and among universities, women seem to be graduating from public university at higher rates than men.<sup>54</sup> For example, during the 2012-2015 academic years, more women (57%) graduated from Kosovo's largest public university, the University of Prishtina, than men (43%).<sup>55</sup>

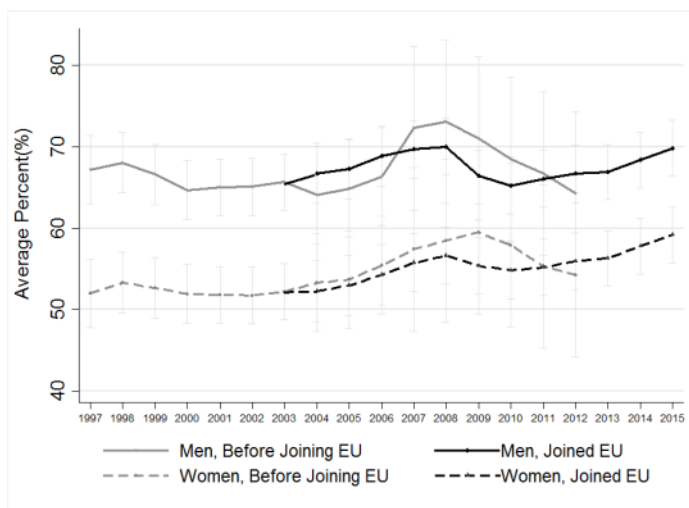
As in the EU, several educational programmes remain segregated by gender. For example, in recent years at the University of Prishtina, women consistently have comprised a majority of graduates in philosophy, philology, economics and medicine, whereas men constituted a majority in architecture, engineering, agriculture and sports.<sup>56</sup> Similar trends existed in Kosovo's other public universities. If a balance of both women and men are not qualified in all occupations, this can contribute to insufficient gender equality within particular sectors where women or men are underrepresented.

The EU has limited competences in matters relating to education, which is the responsibility of national governments. This may explain in part why EU membership does not seem to correlate with improvements in educational attainment, at least for the time period studied. However, in relation to labour and employment policies, the EU may be able to affect changes in education as well. In Kosovo, the EU has influence through the Country Report. In Kosovo's 2015 Country Report, the European Commission (EC) identified a lack of transparency, institutional politicization and the mismatch between fields of education and labour market needs as problems faced by Kosovo's education system.<sup>57</sup> Further, as part of the EU Accession process, the EU provides funding to support reforms, including towards addressing issues identified in the Country Report. In Kosovo, the Instrument for Pre-Accession (IPA) can fund programming related to Kosovo's education sector. Considering the current gender segregation in educational programmes, such support could include programming to encourage improved gender balance in programs where women or men are underrepresented.

## Employment

Although employment rates vary across EU Member States, women's overall employment rates have been significantly increasing by an average of 0.4 percentage points per year. Therefore, employment rates for women after joining the EU were on average 1.3 percentage points higher than before joining. However, employment rates for women are consistently lower than for men. In the EU's 28 Member States, as of 2014, women's employment rate on average was 59.6% compared to 70.1% for men.<sup>58</sup> On average, employment rates

Figure 5. Employment Rate by Gender and EU Membership



<sup>52</sup> Calculated by KWN using Kosovo Agency of Statistics (KAS), Census 2011, 'ASK data: Census 2011'.

<sup>53</sup> The percentage of students presently enrolled was calculated based on data from the following public universities: Peja, Prishtina, Mitrovica, Gjilan, Gjakova and Prizren. KWN calculated based on data from KAS, *Education Statistics in Kosovo 2015/2016*.

<sup>54</sup> Donjeta Morina and Nicole Farnsworth for KWN, *Budgeting for Better Education*, Prishtina: KWN, 2016.

<sup>55</sup> KAS, *Education Statistics 2012/2013, 2013/2014 and 2014/2015*.

<sup>56</sup> Morina and Farnsworth for KWN, *Budgeting for Better Education*.

<sup>57</sup> EC, *Kosovo\* 2015 Report*, Brussels: EC, 2015, p. 46.

<sup>58</sup> Eurostat, 'Employment Statistics', accessed 3 December 2016, at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment_statistics).

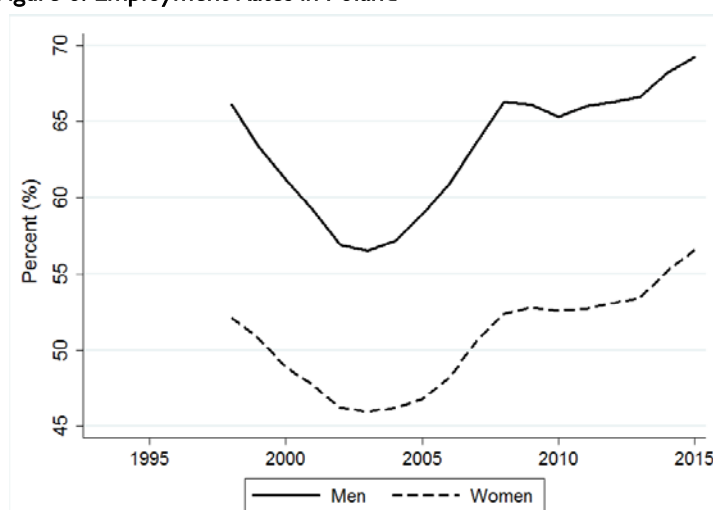
for women are 15.2 percentage points lower than for men. There was not a significant change in employment rates from the period just before to just after joining the EU.<sup>59</sup> Nor was there a significant change in the difference between women's and men's employment rates.

For SEE countries that have become Member States, on average across all years, employment rates for women were 11.3 percentage points lower than for men. On average, employment rates after SEE countries joined the EU were 3.4 percentage points higher. For SEE countries, there was no statistically significant change in the gap between women and men before and after joining the EU. For CEE countries that have become Member States, on average employment rates for women were 10 percentage points lower than men.

Particular countries, such as Poland, Lithuania, Latvia and Slovakia have witnessed an increase in women's and men's employment rates since entering the EU. In Romania, men's employment rate increased slightly after Romania joined the EU from 64% in 2007 to 69.5% in 2015. However, in both Romania and Slovenia women's employment rates have remained consistent. In Bulgaria, women's employment rates increased slightly from 57.6% in 2007 to 59.8% in 2015.

Other economic trends may have undermined the impact that joining the EU may have on gender equality in employment. For **Figure 6. Employment Rates in Poland**

example, in Poland, the employment rate declined during the period prior to joining the EU (see Figure 6). When Poland became a member (2004), the employment rate was 46.2% for women and 57.2% for men. Since then, employment rates have increased to 56.6% for women and 69.2% for men. Thus, by 2008, employment rates seem to have rebounded to the same level as 1998 and since then have continually increased. However, there is no statistically significant difference in employment before and after joining the EU because on average, overall, Poland's employment rate has remained similar.



The way in which unemployment rates have changed over time differed based on EU membership.<sup>60</sup> However, in general, unemployment rates were not significantly different for countries that joined the EU. Unemployment rates for women in the EU were not significantly different from those of women in countries that had not yet joined the EU. For SEE and CEE countries, there was not a significant difference in unemployment rates over time based on EU membership. Unemployment rates, on average, did not differ by gender.

<sup>59</sup> Based on an analysis of the following countries: Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

<sup>60</sup> Based on an analysis of the following countries: Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden.



The unemployment rate in 2000 in EU states was on average 10% for women and less than eight percent for men. After 2008, there was an overall increase in unemployment rates, probably due to the broader economic crisis. However, by the end of 2013, unemployment rates among women and men in the EU tended to decrease, reaching 8.9% for women and 9.2% for men by the end of 2015.<sup>61</sup> Thus, the gender gap between women and men related to unemployment has shrunk.

Kosovo has the lowest employment rate among women in Europe: 11.3% of women and 38.7%

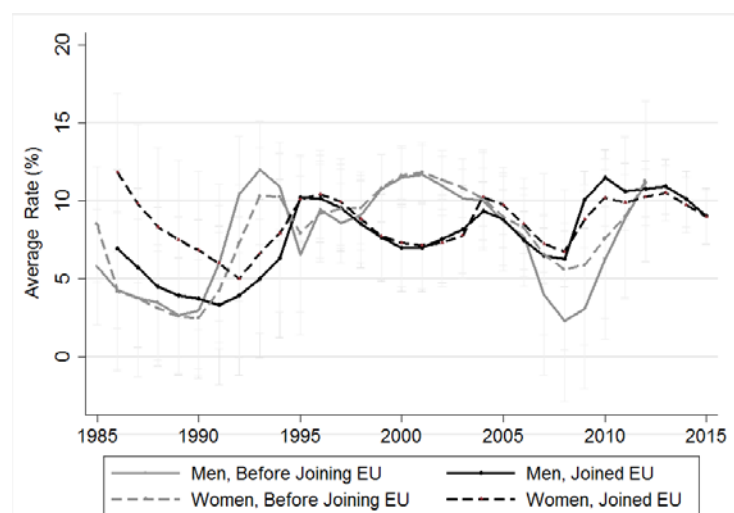
of men were employed in Kosovo in 2015.<sup>62</sup> The unemployment rate for women was 36.6% and 31.8% for men in 2015.<sup>63</sup> More young women are unemployed (67.2%) than young men (54.2%).<sup>64</sup>

In conclusion, joining the EU, to date, has not had a significant impact on employment rates for women and men, nor on narrowing the gap between women's and men's respective employment rates. However, the disparity between women's and men's unemployment rates seems to have decreased during the studied period. Part of the reason why it is difficult to attribute changes in employment rates to EU Accession is that there is very little data available for the period before Accession. Additionally, these countries have had natural fluctuations, and the broader global economic situation also likely influenced employment rates. For example, the effects of the recession are quite visible for some countries. The impact of the 2008 economic crisis perhaps warrants further study with regard to the impact it has had on women, men and gender equality.

## Gender Pay Gap

As explained, the gender pay gap as defined by the EC is 'the difference between men's and women's pay, based on the average difference in gross hourly earnings of all employees'.<sup>65</sup> The impact of the gender pay gap is long-term, since it means that women earn less over their lifetimes, which may impact their wellbeing later in life. More than 50 years ago, the Treaty of Rome enshrined the principle of equal pay for women and men. Although the EU has adopted many policies, strategies and legislation to this end, it remains far from closing the gender pay gap.<sup>66</sup> On average, women in the EU receive 16% less pay than men for every hour worked. The gender pay gap varies from country to country. In Slovenia, Malta, Poland, Luxemburg, Italy and Belgium it remains under 10%. However, in countries like Germany, Austria, Slovenia, Estonia and the Czech Republic it is over 20%.

Figure 7. Unemployment Rates



<sup>61</sup> Eurostat, 'Employment Statistics', at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment_statistics).

<sup>62</sup> KAS, *Results of the Kosovo 2015 Labour Force Survey*, Prishtina: 2016, p. 11.

<sup>63</sup> Ibid, p. 21.

<sup>64</sup> Ibid, p. 22.

<sup>65</sup> European Commission, *Tackling the gender pay gap in the European Union*, Luxembourg: 2013, p. 2. The rest of the information in this paragraph refers to the same report unless otherwise noted.

<sup>66</sup> Witkowska also found a wide range of disparity in wages between men and women, across different occupations, education levels and locations in the EU, concluding that the situation has not improved rapidly despite monitoring by EU institutions (Dorota Witkowska, 'Gender Disparities in the Labor Market in the EU', *International Advances in Economic Research*, 19:4, November 2013, pp. 331-334).

Countries that joined the EU after 2000 (the EU13) have not had any drastic decreases in the gender pay gap.<sup>67</sup> From 2006 to 2014, the gender gap on average has decreased by 0.2% per year ( $p < 0.001$ ). On average, there was no notable change from 2012 to 2014. Countries with the most improvement were Cyprus, the Netherlands, Slovenia and the UK. Although the overall gender pay gap has narrowed in the last decade, in some countries it has grown, such as in Portugal and Croatia.<sup>68</sup> In Hungary, the pay gap had a concerning gradual increase from 14.4% in 2006 to 20% in 2012. However, in the last two years, the gap has decreased to 15%. In other countries like Estonia, the gender pay gap has remained more or less the same in the last ten years. For countries that joined after 2000, the pay gap has decreased by an average of 2.6% per year ( $p = 0.001$ ). Perhaps EU Directives pertaining to equal pay for equal work may have had some positive impact, though it is difficult to conclude whether any causal relationship necessarily exists.

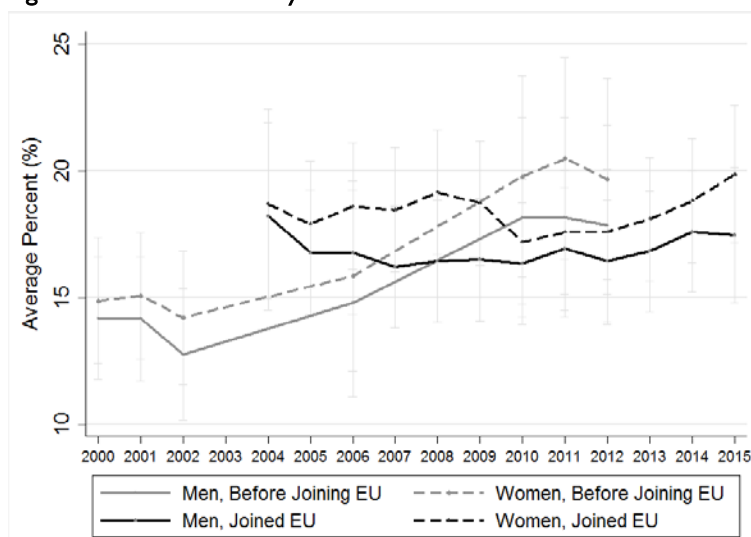
Kosovo does not have data related to the gender pay gap that would enable any comparison. This is an area where Kosovo needs to improve its collection and publication of statistics related to gender equality.

## Poverty

In 2015, approximately 17% of the EU's population was at risk of poverty,<sup>69</sup> with women at a slightly higher risk of poverty than men. This is partly explained by the fact that, across Europe, women receive lower pay and work in poorer working conditions than men; women are more likely than men to have part-time work, fixed-term contracts, or care-related absences from the work force.<sup>70</sup> Age is a significant factor for being at risk of poverty. Young people ages 16-24 are at greatest risk of poverty, especially young women in this age group. Elderly women (over 65) are much more at risk of poverty than elderly men.<sup>71</sup> Being single, particularly a single parent, increases the risk of poverty. Women's comparatively lower participation in economic activities also is a significant factor placing women at higher risk of poverty.<sup>72</sup>

This analysis found that risk of poverty was significantly greater for women than for men.<sup>73</sup> On average the risk of poverty was 1.1 percentage points higher for women. In general, after joining the

Figure 8. At Risk of Poverty



<sup>67</sup> KWN analysis based on statistical data from Eurostat. Countries included in the analysis were: Bulgaria, the Czech Republic, Croatia, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden and the UK.

<sup>68</sup> European Commission, *Tackling the gender pay gap in the European Union*, 2014.

<sup>69</sup> Eurostat Press Office, 'News release: The share of persons at risk of poverty or social exclusion in the EU back to its pre-crisis level', 2016.

<sup>70</sup> EIGE, 'Beijing +20: The Platform for Action (BPfA) and the European Union Area A: Women and Poverty'.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Based on an analysis of the following countries: Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovenia.

EU, at risk poverty rates were on average of 2.1 percentage points higher. However, there was no data available for 2003 and very minimal data for 2004. Since several countries joined the EU in 2004, it is difficult to tell if risk of poverty rates were increasing over time, before joining the EU.

For SEE countries, the at risk poverty rate for women was on average 1.7 percentage points higher than for men. For the period studied, there was not a significant difference in poverty rates after joining the EU. There was no difference in poverty rates by gender after joining the EU. For CEE countries, there was no statistically significant difference in poverty rates by gender and no change in poverty rates after joining the EU.

In Kosovo, poverty rates remain high. Approximately 40% of the population was living under the poverty line in 2013 and 10% in extreme poverty.<sup>74</sup> Men and women living in rural areas are most affected, comprising 65% of impoverished persons in Kosovo.<sup>75</sup> Slightly more women live in poverty (30.3%) than men (29.2%). Women headed households have a higher poverty rate (39.8%) than households led by men (29%). Extreme poverty is disproportionately higher among children, the elderly, households with disabled members, women-headed households and certain ethnic minority households, especially among Roma, Ashkali and Egyptians.<sup>76</sup> This analysis suggests that joining the EU may not necessarily assist Kosovo in decreasing its concerning poverty rates, at least not immediately.

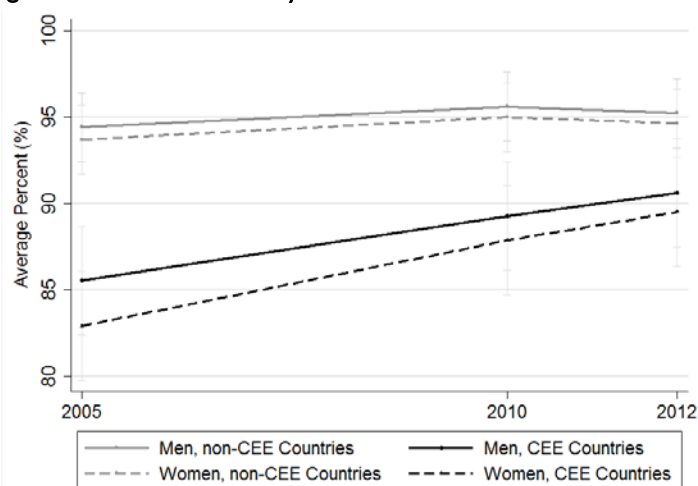
## Health

Organising and providing healthcare is the responsibility of national governments. The EU's role is to complement national policies by helping Member States' governments to achieve their shared objectives. EU health policy focuses on: 'prevention, especially by promoting healthier lifestyles, equal chances of good health and quality healthcare for all (regardless of income, gender, ethnicity, etc.), tackling serious health threats involving more than one EU country, keeping people healthy into old age, supporting dynamic health systems and new technologies'.<sup>77</sup>

This section cannot compare data from before 2005 and after joining the EU due to a lack of available data for the period before 2005. Even so, discussing access to healthcare and citizens' perceived health is worthwhile, given that it has been identified as a priority by women in Kosovo.<sup>78</sup>

Access to healthcare can be defined as the percentage of people who in the last 12 months have needed healthcare and sought it. In contrast, the definition of 'unmet medical needs' involves the percentage of people who needed medical treatment in the last 12 months but did not seek it. In 2012,

Figure 9. Access to Health by Gender and CEE Countries



<sup>74</sup> United Nations Development Programme (UNDP), *The Real Value of Social Assistance*, Prishtina: UNDP, 2014.

<sup>75</sup> Ulf Färnsveden, Ariana Qosaj-Mustafa, Nicole Farnsworth, *Kosovo Country Gender Profile*, Prishtina: Swedish International Development Agency, 2014, p. 18.

<sup>76</sup> The World Bank Group in Kosovo, 'Country Snapshot', April 2015, p. 6, at:

<http://www.worldbank.org/content/dam/Worldbank/document/eca/Kosovo-Snapshot.pdf>.

<sup>77</sup> European Union, 'EU by Topic: Health', at: [https://europa.eu/european-union/topics/health\\_en](https://europa.eu/european-union/topics/health_en).

<sup>78</sup> KWN members identified health as a key issue for women in the KWN Strategy for 2015-2018, and Kosovo Lobby for Gender Equality members have emphasized its importance during meetings in 2016.

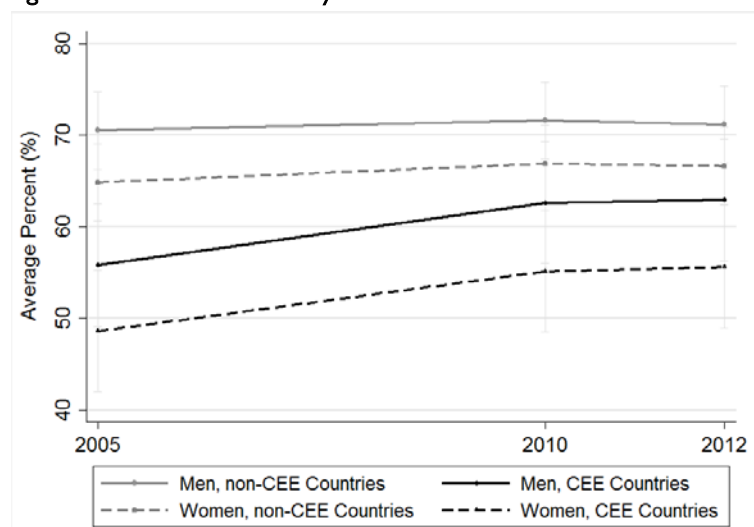
98.3% of people in EU Member States had access to healthcare.<sup>79</sup> Overall between 2005 and 2012, the percentage of people with access to healthcare in CEE countries was on average 7.1 percentage points lower than in other EU countries.<sup>80</sup> Meanwhile, access to healthcare in SEE countries was an average of 3.0 percentage points lower than in non-SEE countries. However, this was not statistically significant. During the period of 2005 to 2010, on average, access to health significantly increased in CEE countries, but there was no change in non-CEE countries. Across all countries, no change has occurred over this time period in access to healthcare in terms of gender differences. In CEE countries, the percent of women with access to healthcare has been consistently lower than men; on average 1.7% more men have had access to healthcare than women. In non-CEE countries, there was no significant difference between men and women.

Another measure of health status is how people perceive their current quality of health, ranging from very bad to very good. Self-perceived health is defined by the percent of people who consider their health 'good' or 'very good.' On average, women's self-perceived health was 6.1 percentage points lower than men's health. Self-perceived health was on average 14.7% lower in CEE countries than in non-CEE countries. From 2005 to 2010, there was a significant change in self-perceived health in CEE countries but no significant change over time in non-CEE countries. On average self-perceived health increased by 5.7% in CEE countries. The increase in perceived health was similar for men and women. Again, it is difficult to conclude whether this change happened as a result of joining the EU, as data was only available for the period after countries already had joined the EU.

In 2016, 81% of Kosovars perceived their health as 'very good' or 'good', which exceeds the average self-perceived health status of EU countries: 67%.<sup>81</sup> Kosovar women generally perceived their health status to be worse than men did,<sup>82</sup> which is similar to the EU's average gender gap of five percentage points.

Despite Kosovars' generally positive assessment of their health, challenges seem to exist in accessing healthcare. In the 12 months preceding June 2016, 25.9% of Kosovars said that there was at least one time when they needed to consult a doctor, but did not. This is considerably higher than for EU Member States, where unmet need is 6.7% on average.<sup>83</sup> In Kosovo, there was no difference between women's and men's unmet healthcare needs based on this indicator. However, other measures of access to healthcare

**Figure 10. Perceived Health by Gender and CEE Countries**



<sup>79</sup> EIGE, 'Gender Equality Index: Health Access 2012', accessed 4 December 2016, at: <http://eige.europa.eu/gender-statistics/gender-equality-index/2012/domain/health/2>.

<sup>80</sup> Based on an analysis of the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

<sup>81</sup> 'Self-perceived health statistics', Eurostat, accessed 28 November 2016, at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Self-perceived\\_health\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Self-perceived_health_statistics). The comparisons that follow also draw from this source. All information pertaining to Kosovo in this section derives from a national household survey by KWN in 2016 unless otherwise noted (Nicole Farnsworth, Dr. Katja Goebbels and Rina Ajeti for KWN, *Access to Healthcare in Kosovo*, Prishtina: KWN, forthcoming 2016).

<sup>82</sup> KWN survey data, 2016 (p=0.01).

<sup>83</sup> 'Unmet health care needs statistics', Eurostat, accessed on 29 November 2016, at: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Unmet\\_health\\_care\\_needs\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Unmet_health_care_needs_statistics).

suggest that women may face more barriers in accessing healthcare in Kosovo than do men. For example, activists have noted that women and men with disabilities encounter additional difficulties.<sup>84</sup> Regarding dental care, 18% of Kosovars, compared to 7.6% of persons in the EU,<sup>85</sup> said they needed a dental examination or treatment in the last 12 months, but did not receive it.

As healthcare is primarily the responsibility of individual states, the EU has little influence in matters relating to health, which may hinder any impact that joining the EU could have on access to healthcare in Kosovo. However, EU general principles of non-discrimination can provide a legal safeguard for accessing healthcare without discrimination based on gender.<sup>86</sup>

## Childcare

The EC has noted that 'In order to improve and increase the integration of women into the labour market, the balance between work and private life should be improved' in Member States.<sup>87</sup> Also, the availability of high quality, affordable childcare facilities for young children has been identified as a priority for the European Union.<sup>88</sup> In 2002, the European Council established the Barcelona Objectives, according to which, 'Member States should remove disincentives to female labour force participation, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age'.<sup>89</sup>

Overall, only six EU Member States have achieved to implement completely the Barcelona Objectives.<sup>90</sup> By 2014, 10 of 28 states had reached the aim to ensure at least 90% of children ages three to the mandatory school age had access to childcare: Belgium, Denmark, Finland, France, Luxembourg, Netherlands, Portugal, Slovenia, Spain and Sweden. Only nine countries met the objective to provide childcare to at least 33% of children under three years of age: Belgium, Denmark, Estonia, France, Italy, Malta, Slovenia, Spain and Sweden. Slovenia has been identified as a positive example, where increasing childcare availability was partially attributed to an amendment to the law on kindergartens in 2008 'which introduced state funded childcare for second and subsequent children'.<sup>91</sup>

Only two countries have data available for the period before and after joining the EU: Bulgaria and Croatia. For these countries, there was no statistically significant change in the percent of children ages three and under who had access to childcare in the short time before and after joining the EU.

In Kosovo, only 3.7% of children ages 0-5 and 74% of children ages 5-6 attend pre-school education.<sup>92</sup> An estimated 15.5% of Kosovar children use childcare. Most childcare services are located in Prishtina, and rural areas in particular tend to lack access to childcare.<sup>93</sup> The EC has observed in its 2016 Country Report for Kosovo that limited access to childcare and to flexible work arrangements

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<sup>84</sup> These were identified as problematic by the Kosovo Lobby for Gender Equality, meeting, Durres, 2016.

<sup>85</sup> 'Unmet health care needs statistics', Eurostat.

<sup>86</sup> Treaty on the Functioning of the European Union, 2009, Art. 10 and Art. 19, and Treaty on the European Union, 2009, Art. 3, para. 2.

<sup>87</sup> European Commission, *Employment in Europe 2010*, Luxembourg: Publications Office of the European Union, 2010, p. 102.

<sup>88</sup> European Commission, 'Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Barcelona objectives: The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth', SWD (2013) 192 final, 2013.

<sup>89</sup> Ibid.

<sup>90</sup> KWN calculations based on statistical data from countries from Eurostat.

<sup>91</sup> European Commission, 'Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Barcelona objectives: The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth', p. 6.

<sup>92</sup> European Commission, *Kosovo\* 2016 Report*, Brussels: European Commission, 2016, p. 53.

<sup>93</sup> Nicole Farnsworth et al. for KWN, *Who Cares? Demand, Supply, and Options for Expanding Childcare Availability in Kosovo*, Prishtina: KWN, 2016, at:

<http://www.womensnetwork.org/documents/20161103153827186.pdf>.

are barriers to women's employment, as formal options for care beyond maternity leave are limited, and family-friendly schedules often are not available.<sup>94</sup> Expanding childcare in Kosovo is a priority within the Government's National Development Strategy for 2016-2021.<sup>95</sup> IPA funding perhaps can support the expansion of childcare availability in Kosovo in the future, which also can contribute to enhancing children's educational performance.<sup>96</sup>

## **Other Appraisals of EU Accession Processes and Their Impact on Gender Equality**

The prior section drew primarily from an analysis of quantitative data. However, gender equality can be a difficult concept to operationalize, and quantitative measures taken alone may not capture fully the impact that joining the EU may have had on women and men. Perhaps the selected areas of study and methodology employed may have missed other important measures of gender equality. This section briefly reviews some of the existing literature, presenting trends that other authors have identified relating to EU Accession and gender equality.

According to Stratigaki, in its early years, EU policy used 'sharing' language, calling upon men and women to share domestic duties to reduce the burden placed on women while making the workforce more accessible to them.<sup>97</sup> Over time, EU policy has shifted to a language of 'reconciling', Stratigaki argues. This focuses more on creating flexible schedules that enable women to do both domestic and workplace duties, instead of shifting gender relations so that women and men can be more equal. For example, in many parts of Southern Europe (such as Greece, Italy and Spain) the EU's reconciliation language has been used more frequently to encourage gender-stereotypical roles in the family and the labour market. In this case, EU policies may have a negative impact on gender equality by reinforcing traditional gender roles rather than redistributing different forms of paid and unpaid labour more equally among women and men.

Similarly, MacRae has argued that despite the emergence of a 'gender project' across the EU, EU policy is at least partially responsible for creating and reinforcing gender differences.<sup>98</sup> According to her, EU strategies for furthering gender equality through mainstreaming and gender impact assessments are insufficient for overcoming the EU's broader neo-liberal economic approach that prioritizes trade liberalization over gender equality. In her view, the core values of EU economic policy may have a negative impact on gender equality.

EU Accession may have affected countries differently, as some of the prior discussions in this paper illustrated. Quantitative analysis at a multi-country level may obscure the nuances that can exist within individual countries, including particular political, social and economic factors among countries. Studying countries' experiences with EU Accession was outside the scope of this particular research, which focused on broader trends. However, a review of the existing literature suggests that individual countries may have had differing experiences.

For example, during Poland's EU Accession process, the adoption of equal opportunity legislation was delayed. According to Regulska and Grabowka, this delay resulted from organized

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<sup>94</sup> European Commission, *Kosovo\* 2016 Report*.

<sup>95</sup> Republic of Kosovo, Office of the Prime Minister, *National Development Strategy for 2016-2021*, Prishtina: 2016.

<sup>96</sup> For further information, see Farnsworth et al. for KWN, *Who Cares?*

<sup>97</sup> Maria Stratigaki, 'The Cooptation of Gender Concepts in EU Policies: The Case of "Reconciliation of Work and Family"', *Social Politics: International Studies in Gender, State and Society*, 11.1, 2004, pp. 30-56.

<sup>98</sup> Heather MacRae, '(Re-) Gendering Integration: Unintentional and Unanticipated Gender Outcomes of European Union Policy', *Women's Study International Forum*, 39, July-August 2013, pp. 3-11.

opposition to EU gender equality laws and Right-leaning parties in the government.<sup>99</sup> Based on this experience, they argued that ultimately state institutions may trump EU policy, taking the final decision on the extent to which the state will recognize and safeguard women's rights. Notably, during EU Accession negotiations, in order to win the Catholic Church's support for entering the EU, Poland was considered to have restricted women's access to abortion.<sup>100</sup> Although it took longer in Poland than in other countries, the EU did eventually succeed in encouraging the adoption of equal opportunity legislation.

Compared to Poland, laws were passed more easily in the Czech Republic. Anderson considered this a result of the EU's financial and political resources, which the EU utilized to create incentives, influencing political actors to adopt particular policies.<sup>101</sup> Haskova and Krizkova similarly view the Czech Republic's Accession process as the 'most important legitimizing force that helped to promote gender equality'.<sup>102</sup> While a general framework for gender equality existed within the Czech constitution before the EU Accession process began, EU requirements during this process contributed to strengthening these policies, particularly related to the Labour Code.<sup>103</sup> Indeed, women's rights activists in other countries have observed the importance of utilizing the EU Accession process for putting in place legal safeguards that will further gender equality and protect women's rights in the future.<sup>104</sup> After countries have joined the EU, women's rights activists have found that it becomes particularly difficult to put gender equality priorities on the agenda or hold countries accountable to implementing policies that do exist.

In Bulgaria, the Bulgaria Gender Research Foundation observed that under communism, prior governments had made considerable strides towards establishing universal healthcare and education, as well as increasing women's access to paid employment.<sup>105</sup> Employed women had access to public childcare, paid maternity leave, family allowances and after school services for children. The transition to democracy and capitalism, which pre-dated the EU Accession process, contributed to a decrease in the availability of affordable childcare, which seems to have impacted women's employment rates negatively. In this context, women's rights organizations considered the EU Accession process an opportunity for installing policies that could help address these issues. However, establishing additional policies towards gender equality during the EU Accession process met with resistance due to assumptions that gender equality already had been achieved. Bulgaria also faced the challenge of ensuring that gender equality as defined in policy was implemented in practice.

## Conclusion

This research set out to examine whether EU Accession impacts gender equality with the aim of learning lessons from other countries' experiences and making policy recommendations that could inform Kosovo's EU Accession process. The findings suggest that comparing the period during the Accession process to the period after joining the EU, to date, has not resulted in significant changes

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<sup>99</sup> Joanna Regulska and Magda Grabowka, 'Will It Make A Difference?: EU Enlargement and Women's Public Discourse in Poland', in *Gender Politics in the Expanding European Union*, Silke Rothe (ed.), United States: Berghahn Books, 2008. Accessed online via Google Books.

<sup>100</sup> Angelika von Wahl, 2008.

<sup>101</sup> Leah Seppanen Anderson, 'European Union Gender Regulations in the East: The Czech and Polish Accession Process', *Eastern European Politics and Societies*, 20: 101 (2006), pp. 101-125.

<sup>102</sup> Hana Haskova and Alena Krizkova, 'The Impact of EU Accession on the Promotion of Women and Gender Equality in the Czech Republic', in *Gender Politics in the Expanding European Union*, Silke Rothe, ed. United States: Berghahn Books, 2008.

<sup>103</sup> Michaela Marksova-Tominova, 2003.

<sup>104</sup> KWN discussions with women's rights activists from other countries, including Croatia, Romania and Poland.

<sup>105</sup> Bulgaria Gender Research Foundation, 2003.

related to gender equality, positive or negative. There have been improvements in gender equality in some countries in certain areas, such as political participation, unemployment rates, the gender pay gap, access to health and tertiary education. However, due to insufficient data, it is not possible to determine how EU membership may have contributed to these improvements. The gap between women's and men's employment rates, pre-existing poverty rates or completion of upper secondary school has not changed significantly since countries began the accession process. Perhaps for some countries, joining the EU may slightly positively contribute to decreasing the gender pay gap; however, in other countries it has not had a positive effect. Employment rates have increased for both men and women, though the difference between women and men seems to have remained similar. Clearly, broader political and economic factors may impact the extent to which the EU has the power to influence gender equality. For example, the effects of the 2008 economic recession could have outweighed any positive or negative impact that EU policies may have had. The extent to which this economic crisis may have affected women, men and gender equality can benefit from further study.

A noteworthy point is that the statistical analysis undertaken here did not examine in detail particular countries, where EU Accession may have impacted gender equality. Joining the EU may affect gender equality differently in individual countries, given their cultural, social, political and economic specificities. Poland, for example, initially experienced resistance to the EU gender equality *acquis* from some political and religious actors. In the Czech Republic, the EU Accession process incentivized the improvement of policies towards gender equality. Other countries may hold additional examples from which Kosovo can learn, following further study.

With regard to areas for future research, an important lesson learned in conducting the statistical analysis is the importance of collecting standardized gender-disaggregated data across countries and over time. The absence of comparable and standardized data in the decades prior to EU Accession undermined attempts to identify trends over time. While a benefit of using data from Eurostat is that the standardized data enables comparisons over time and among countries, it often lacked data for the period before countries began their EU Accession processes. If more historical data were available, perhaps going farther back in time could reveal some changes affected by EU Accession. Notably, social change takes time. Perhaps the influence that EU Accession may have on a given country may not be visible within the relatively short timeframe studied. Replicating similar studies years from now may reveal that changes do occur with time, barring any broader political and economic influences.

Overall, bearing in mind these methodological challenges, the finding that gender inequalities persist even once joining the EU is an interesting finding because it suggests that aligning policies with the Copenhagen criteria and the gender equality *acquis* is not sufficient for furthering gender equality, at least in the short-term.

Perhaps EU policies themselves may not be sufficiently gender sensitive to contribute to furthering gender equality. As discussed, some authors have expressed concern that the wider body of EU policy may undermine gender equality, such as through neo-liberal economic policy; or encouraging women to 'reconcile' unpaid domestic work with paid work outside the home, which does not contribute to transforming unequal gender roles and relations.

Kosovo clearly trails behind EU Member States, on average, in relation to most indicators of gender equality examined here. With findings from this statistical analysis, it is difficult to predict how EU Accession may affect gender equality in Kosovo. It seems that joining the EU in and of itself will not necessarily address gender inequalities in Kosovo. The Government of Kosovo, together with citizens, needs to take ownership, working sustainably to address gender inequalities as part of the EU Accession process, but also after EU Accession ends in accordance with Kosovo's own legal framework.

Perhaps Kosovo can learn from countries' individual experiences with EU Accession. For example, the Czech Republic's experience suggests that the EU Accession process can be useful for putting in place improved policies towards gender equality. The EU can incentivize the Government of Kosovo to adopt policies that will contribute to furthering gender equality. The EU also can set a positive example by prioritizing gender equality in all programming and consistently pushing the



Government of Kosovo to ensure the rule of law, including implementing the existing legal framework pertaining to gender equality. Indeed, the new EU Gender Action Plan calls for such an approach on behalf of all EU delegations.<sup>106</sup> Meanwhile, as shown in Poland and the Czech Republic, women's civil society groups can harness the momentum of the EU Accession process to advocate for gender equality in both policy and practice. Following carefully how Kosovo's EU Accession process contributes to gender equality over time, starting now, could provide useful information for researchers and policy-makers in the future.

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<sup>106</sup> Council of the European Union, General Secretariat of the Council, 'Council Conclusions on the Gender Action Plan 2016-2020', Brussels: Council of the European Union, 2015.

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