



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

## **DISCUSSION PAPER**

# **What Do Women Want from Kosovo's EU Accession Process?**

By Gresa Rrahmani, Donikë Kastrati and Nicole Farnsworth for the Kosovo Women's Network

Prishtina, Kosovo  
December 2016

Supported by:

**FEMDEFENDERS**  
KVINNA TILL KVINNA



## **Acknowledgements**

The Kosovo Women's Network (KWN) thanks the Kosovo Lobby for Gender Equality and KWN member organizations who contributed to this paper by bringing forward key issues of concern to them. KWN also thanks the team members who worked on preparing this paper: Donikë Kastrati, Gresa Rrahmani, Nicole Farnsworth, Iliriana Banjska and Adelina Berisha. The preparation of this paper, including the consultations with women that informed it, received support from the *Kvinna till Kvinna* Foundation.

## **Acronyms**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
EC	European Commission
EO	Employment Office
EU	European Union
GAP	Gender Action Plan
HIS	Health Information System
IPA	Instrument for Pre-Accession Assistance
KWN	Kosovo Women's Network
LGE	Law on Gender Equality
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
UNSCR 1325	United Nations Security Council Resolution 1325
VTCs	Vocational Training Centres

## Introduction

United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security calls for women's participation in decision-making in post-conflict countries, such as Kosovo, underlining women's right to be consulted.<sup>1</sup> In its 'Comprehensive Approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security', the European Union (EU) has committed to 'promote and support women's active and meaningful participation in all peace processes as well as their representation in formal and informal decision-making at all levels'.<sup>2</sup> The EU has emphasized that gender equality is at the core of its values, and gender equality is included in the EU's applicable legal framework and politics.<sup>3</sup> The EU gender equality *acquis* includes several Treaty provisions, legislation and case law towards furthering gender equality in the EU.<sup>4</sup> Further, through the EU Gender Action Plan (GAP) for 2016 to 2020, the EU intends to continue contributing to the economic and social empowerment of women and girls, including putting an end to all forms of violence.<sup>5</sup> The EU GAP calls upon all EU delegations to make clear progress towards implementing these and other gender equality objectives. To this end, the EU Office has established a way forward for implementing the new EU GAP in Kosovo.

The Constitution of the Republic of Kosovo includes gender equality as a fundamental value of society and ensures equal opportunities for women and men in all political, social and cultural spheres.<sup>6</sup> EU Membership remains a priority for the Government of Kosovo. Last year, Kosovo signed the Stabilization and Association Agreement, and it approved the National Plan for the Implementation of the Stabilisation and Association Agreement in March 2016.<sup>7</sup> Law No. 05/L-020 on Gender Equality (LGE) calls for a gender perspective to be included in all public policies, which requires gender analyses and consultations with women in order for their priorities to be identified and reflected in the policy-making process.<sup>8</sup> Therefore, any policy or law, including those drafted as part of Kosovo's EU Accession process, requires gender analysis and gender mainstreaming. Also, the Government of Kosovo, is obliged to consult with women and men during the process of drafting official documents.<sup>9</sup>

---

<sup>1</sup> United Nations Security Council Resolution 1325 on Women, Peace and Security, 31 October 2000, at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>.

<sup>2</sup> Council of the European Union, 'Indicators for the Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security', Brussels: 14 July 2010, p. 8, at:

[http://peacewomen.org/sites/default/files/EU\\_Indicators%20for%20the%20Comprehensive%20approach%20to%20EU%20implementation%20of%201325%20and%201820.pdf](http://peacewomen.org/sites/default/files/EU_Indicators%20for%20the%20Comprehensive%20approach%20to%20EU%20implementation%20of%201325%20and%201820.pdf).

<sup>3</sup> European Commission (EC), *Joint Staff Working Document, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020* (hereinafter referred to as GAP), Brussels: 2015, p. 2, at: [https://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf).

<sup>4</sup> For further information about the gender equality *acquis*, see: European Network of Legal Experts in the Field of Gender Equality, 'EU Gender Equality Law', Update 2013, European Union, 2014, at:

[http://ec.europa.eu/justice/gender-equality/files/your\\_rights/eu\\_gender\\_equality\\_law\\_update2013\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/eu_gender_equality_law_update2013_en.pdf).

<sup>5</sup> See: EU GAP 2016-2020.

<sup>6</sup> Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 7 (2), at:

<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>.

<sup>7</sup> Government of Kosovo, 'National Program for Implementation of the Stabilization and Association Agreement', Prishtina: 2016, at: [https://www.mei-ks.net/repository/docs/3\\_pkzmsa\\_miratuar nga kuvendi final\\_eng.pdf](https://www.mei-ks.net/repository/docs/3_pkzmsa_miratuar nga kuvendi final_eng.pdf).

<sup>8</sup> Republic of Kosovo, Law No. 05/L-020 on Gender Equality, 2015, Art 5 (1.) at: <http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf>.

<sup>9</sup> Republic of Kosovo, Regulation no. 05/2016 on minimal standards for public consultation process, 2016, at:

<http://www.kryeministri->

In the spirit of the UNSCR 1325 and in accordance with the LGE, the Kosovo Women's Network (KWN) collaborated with the Kosovo Lobby for Gender Equality,<sup>10</sup> consulting with diverse women throughout Kosovo. This document details the expectations and priorities that women have related to Kosovo's EU Accession process. It aims to inform relevant stakeholders, including but not limited to the EU Office in Kosovo and the Government of Kosovo, about women's priorities. Where applicable, KWN has noted where the priorities identified by women intersect with EU and Kosovo policies relating to gender equality. This document can inform future policy and programmatic changes that directly and/or indirectly affect the lives of women and girls in Kosovo.

## Recommendations

Drawing from consultations organized with diverse women across Kosovo, KWN and the Kosovo Lobby for Gender Equality have identified the following recommendations for the EU Office in Kosovo and Kosovo institutions to be considered in relation to Kosovo's EU Accession process:

### For the European Union

- **Encourage and support politically and financially** the Government of Kosovo to address the following recommendations in accordance with the EU gender equality *acquis* and EU GAP.
- **Encourage implementation of legislation against political influence on employment, nepotism and corruption.** The European Commission (EC) Report on Kosovo in 2016 stated that corruption 'remains prevalent in many areas and continues to be a very serious problem' and that 'a stronger political will to tackle this in a comprehensive manner is necessary'.<sup>11</sup> Health, education and judiciary are particularly prone to corruption.<sup>12</sup> Prosecution, courts and other relevant authorities should be more efficient in taking measures, including in identifying such cases, which are prohibited and punishable under the Criminal Code of the Republic of Kosovo and other applicable legislation.
- **Encourage the Government of Kosovo to harmonize the laws on elections with the LGE.** Law No. 03/L-073 on General Elections in the Republic of Kosovo<sup>13</sup> and Law No. 03/L-072 on Local Elections in the Republic of Kosovo<sup>14</sup> should be harmonized with the LGE, which requires equal representation (50%) of men and women in municipal assemblies and the parliament of Kosovo.<sup>15</sup> According to the EC Report on Kosovo, women remain under-represented in decision-making positions.<sup>16</sup> The EU GAP calls for

---

[ks.net/repository/docs/Regullore\\_ORK\\_Nr\\_052016\\_per\\_standardet\\_minimale\\_per\\_procesin\\_e\\_konsultimit\\_publick.pdf](http://ks.net/repository/docs/Regullore_ORK_Nr_052016_per_standardet_minimale_per_procesin_e_konsultimit_publick.pdf).

<sup>10</sup> The Lobby for Gender Equality in Kosovo brings together women and men from politics and civil society from 27 Kosovo municipalities to advocate for gender equality in Kosovo, regardless of their political party affiliation, gender, age, ethnicity, ability, religion, geographic location, level of education or socioeconomic status (<http://www.womensnetwork.org/?message=true&FaqlD=1&n=250>).

<sup>11</sup> EC, Staff Working Document, *Kosovo\* 2016 Report*, SWD(2016) 363, p. 19, at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2016/20161109\\_report\\_kosovo.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_kosovo.pdf).

<sup>12</sup> Ibid, p. 19.

<sup>13</sup> Republic of Kosovo, Law No. 03/L-073 on General Elections in the Republic of Kosovo, at: [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L073\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L073_en.pdf).

<sup>14</sup> Republic of Kosovo, Law 05/L-072 on Local Elections in the Republic of Kosovo, at: [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L072\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L072_en.pdf).

<sup>15</sup> Law on Gender Equality, Art.13 (1.15).

<sup>16</sup> EC, Staff Working Document, *Kosovo\* 2015 Report*, p. 24, at: [http://ec.europa.eu/neighbourhoodenlargement/sites/near/files/pdf/key\\_documents/2015/20151110\\_report\\_kosovo.pdf](http://ec.europa.eu/neighbourhoodenlargement/sites/near/files/pdf/key_documents/2015/20151110_report_kosovo.pdf).

equal rights for women; the possibility for women to participate in all decision-making processes,<sup>17</sup> and supporting legislation that aims to tear down barriers to the participation of women and girls in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNSCR 1325 and the Beijing Platform for the Sustainable Development Agenda in 2030.

- **Encourage implementation of the LGE in all sectors and ensure that equal opportunities are given to both women and men.** This is in accordance with CEDAW, UNSCR 1325 and the Beijing Platform for Sustainable Development Agenda 2030. Also, as stated in the EC Report on Kosovo, application of LGE continues to be slow and secondary legislation on gender equality has not yet been approved.<sup>18</sup> Failure to implement the LGE undermines the rights of women and men, as well as deepens inequalities. As part of the ongoing public administration reforms, the EU Office can encourage the Government of Kosovo to take affirmative measures towards respecting the gender quota in employment in accordance with the LGE.
- **Support the institutionalization of gender statistics in Kosovo, including on the gender pay gap.** Kosovo does not have accurate statistics on the gender pay gap, among other important gender statistics.<sup>19</sup> Directive 2006/54/EC reaffirms the principle of equal pay for equal work or work of equal value, enshrined in the Treaty on the Functioning of the European Union.<sup>20</sup> This principle is incorporated in the LGE, but better data is needed to monitor implementation.<sup>21</sup> According to the LGE, Kosovo institutions should engage in gender analysis of the status of women, men, girls and boys in respective fields.<sup>22</sup> The EU GAP also encourages EU delegations to support the development of gender analysis capabilities in national statistical agencies.<sup>23</sup>

### **For the Ministry of Labour and Social Welfare**

- **Address gender-based discrimination during the employment process and at the workplace, as well as labour without contracts.** Current policies that exist in Kosovo affect discrimination against women during the employment process and at the workplace.<sup>24</sup> Moreover, almost 20% of employed persons and 48% of youth work without contracts.<sup>25</sup> In accordance with CEDAW, EU Directive 2006/54/EC and LGE, the state is obliged to put in place affirmative measures that address gender-based discrimination. Labour without a contract is illegal,<sup>26</sup> and can be harmful for the employee.<sup>27</sup> The Labour Inspectorate should investigate different forms of gender-based discrimination and violations of the Labour Law that take place especially in the private sector. Prior research conducted by KWN suggests that the Inspectorate

---

<sup>17</sup> GAP 2016-2020, p. 26.

<sup>18</sup> EC, *Kosovo\* 2016 Report*, p. 26.

<sup>19</sup> For further details regarding other areas, see KWN, 'Establishing the Gender Equality Index in Kosovo', Discussion Paper, Prishtina: KWN, 2016.

<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> Law on Gender Equality, Art. 17 (I.12).

<sup>22</sup> Ibid, Art. 5 (I.1).

<sup>23</sup> GAP 2016-2020, activity 6.1, p. 25.

<sup>24</sup> For more information, see KWN, 'Striking a Balance: Policy Options for Amending Kosovo's Law on Labour', Prishtina: KWN, 2016, at: <http://www.womensnetwork.org/documents/20160504154201373.pdf>.

<sup>25</sup> KAS, 'Results of the Kosovo 2015 Labour Force Survey', Prishtina: 2016, at: <https://ask.rks-gov.net/media/1687/results-of-the-kosovo-2015-labour-force-survey.pdf>.

<sup>26</sup> Republic of Kosovo, Law No. 03/L –212 On Labour, at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-212-eng.pdf>.

<sup>27</sup> KWN, 'Striking a Balance; Policy Options for Amending Kosovo's Law on Labour'.

has not investigated gender-based discrimination at work, including related to pregnant women's security at work, maternity leave and discriminatory practices during the hiring process.<sup>28</sup>

- **Address currently discriminatory parental leave provisions by amending Law No. 03/L-21 on Labour.** The current maternity leave provisions in the Law on Labour seem to be contributing to discrimination against women in the employment process and at the work place.<sup>29</sup> The Law on Labour should be amended, particularly provisions pertaining to maternity leave, paternity leave and parental leave.<sup>30</sup> Further, the current Law on Labour discriminates against men and their equal right to a longer paid leave, as foreseen by the LGE. Amendments to the Law on Labour should be reviewed to ensure that they are in line with provisions within the European Commission Directive 2010/18/EU on parental leave, Directive 92/85/EEC on pregnant employees and Directive 2006/54/EC on equal opportunities and equal treatment of men and women in matters of employment and occupation. Families should be given the opportunity to divide leave equally among men and women. This could contribute to changes in traditional gender norms regarding childcare, facilitate an increase in employment among women and address gender discrimination.<sup>31</sup>
- **Strengthen the Labour Inspectorate in accordance with the Law on Labour Inspectorate No. 2002/9 and increase the percentage of women inspectors in accordance with the Law No. 05/L-020 on Gender Equality.** KWN's research shows that 'in 2012 and 2013 there were fewer women employees (22% and 25%, respectively) than men employees inspected (78% and 75%)' by labour inspectors.<sup>32</sup> The Labour Inspectorate within MLSW must ensure trainings for inspectors on the legal framework relating to gender discrimination in employment, at the workplace and dismissal from work. Also, labour inspectors must address other violations of the Law on Labour, such as labour without a contract and non-compensation of overtime.<sup>33</sup> Increasing the number of inspectors, including affirmative measures for employing more women inspectors in accordance with LGE, could facilitate the implementation of the Law on Labour. The EC Kosovo Report for 2016 also recommended increasing the number of labour inspectors.<sup>34</sup>
- **Increase the number of women and girls that are registered in the Employment Office (EO) and who benefit from Vocational Training Centres (VTCs). Women, men, girls and boys should be trained in areas in accordance with labour market needs. Design appropriate policies to increase the number of girls and boys in vocational schools.** Fewer women than men are registered at EOs and VTCs, even though unemployment rates are higher among women.<sup>35</sup> Directive 2006/54/EC establishes the principle of equal treatment of men and women in access to employment and vocational training.<sup>36</sup> The EU GAP also foresees 'equal access for women and girls at all levels of quality education, vocational

---

<sup>28</sup> Ibid.

<sup>29</sup> Ibid, p. 5.

<sup>30</sup> EC, *Kosovo\* 2016 Report*, p. 52.

<sup>31</sup> KWN, 'Striking a Balance; Policy Options for Amending Kosovo's Law on Labour', p. 32.

<sup>32</sup> KWN, *Budgeting for Social Welfare: A Rapid Gender Analysis to Inform Gender Responsive Budgeting in the Ministry of Labour and Social Welfare in Kosovo*, Prishtina: KWN, 2014, p. 17 at: <http://www.womensnetwork.org/documents/20140702111942678.pdf>.

<sup>33</sup> KWN, 'Striking a Balance', p. 40.

<sup>34</sup> EC, *Kosovo\* 2016 Report*, p. 51.

<sup>35</sup> KWN, *Budgeting for Social Welfare: A Rapid Gender Analysis to Inform Gender Responsive Budgeting in the Ministry of Labour and Social Welfare in Kosovo for 2016-2018*, Prishtina: KWN, 2015, p. 4 at: <http://www.womensnetwork.org/documents/20151203094304537.pdf>.

<sup>36</sup> European Parliament, Directive 2006/54/EC on the Implementation of the Principle of the Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation, Art. 1, at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:en:PDF>.

education and training free of discrimination'.<sup>37</sup> The GAP also encourages the EU to support education and professional training of youth, development of skills and other active labour market programs.<sup>38</sup> In accordance with LGE, MLSW should take affirmative measures to address the gender inequalities that exist related to employment.

- **Organize awareness-raising campaigns to combat gender stereotypes in the choice of profession and workplace.** MLSW, VTCs, the Ministry of Education, Science and Technology (MEST) and other ministries and relevant institutions must commit to combating gender stereotypes in employment and occupation. Gender stereotypes are associated with the imbalance of women and men in certain sectors, which affects the non-implementation of the LGE, both in terms of equal representation and gender responsive budgeting. MLSW can organize awareness-raising campaigns towards transforming stereotypical gender roles in certain sectors. The EU GAP encourages EU support towards raising awareness, such as by collaborating with media in order to improve public awareness about gender equality,<sup>39</sup> and lists potential activities such as offering formal and informal education to tackle gender stereotypes.<sup>40</sup>
- **Continue supporting the classification of jobs and levelling of salaries in all institutions.** The distribution of jobs must be based on the same criteria for women and men in accordance with the LGE and Directive 2006/54/EC for implementing the principle of treatment and equal opportunities for women and men in matters of employment and occupation.<sup>41</sup>
- **Invest in care centres for the elderly.** With only three elderly homes in Kosovo (in Prishtina, Gurakoc and Skenderaj) and one community home in Gracanica, there is a lack of these types of institutions compared to the potential number of elderly persons.<sup>42</sup> The criteria to be accepted in these houses are very strict: 'All persons placed in elderly homes must be over the age of 65, have no adopted or biological offspring, and be in good mental health'.<sup>43</sup> MLSW, the government and municipalities need to invest in care centres for the elderly, day care or permanent homes, with less strict criteria to contribute to the wellbeing and independence of elderly people. This also will contribute to new jobs and enable people that currently care for the elderly (mainly women) to enter the labour market.

## **For the Ministry of Education, Science and Technology**

- **Increase the number of childcare facilities in proportion to the number of children in need. Within these childcare facilities, precautions should be taken to ensure quality care for girls and boys with disabilities.** The Labour Force Survey, as well as KWN's household surveys, have shown that family responsibilities and childcare are among the reasons why women are less active in the labour market than men.<sup>44</sup> The EC Report for Kosovo also identified limited access to childcare as a barrier to women's employment. Increasing childcare availability will facilitate the participation of women in the labour market, as well as

---

<sup>37</sup> GAP 2016-2020, p. 30.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid, p. 25.

<sup>40</sup> Ibid, p. 30.

<sup>41</sup> European Parliament, Directive 2006/54/EC on the Implementation of the Principle of the Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation, Art. 1.

<sup>42</sup> KWN, *Budgeting for Social Welfare*, 2015, p. 36.

<sup>43</sup> Government of Kosovo, Administrative Instruction No. 10/2014, 2014, at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=10414>.

<sup>44</sup> Kosovo Agency of Statistics, Labour Force Survey for 2015, 2016. Also, KWN research shows that women often do not work because of childcare obligations (*Who cares? Demand, Supply, and Options for Expanding Childcare Availability in Kosovo*, Prishtina: KWN, 2016, at: <http://womensnetwork.org/documents/20161103153827186.pdf>).

improve children's educational attainment.<sup>45</sup> Kosovo also falls short in achieving the EU Barcelona Objectives, which aim to provide childcare for 33% of children under the age of three years and 90% of children over three years old until the start of primary education.<sup>46</sup> During the 2015-2016 school year, approximately 24,309 children under three years and 60,118 children ages three to six years old were still in need of care, according to the Barcelona Objectives.<sup>47</sup> Only approximately 15.5% of children in Kosovo had access to childcare.<sup>48</sup> Moreover, evidence suggests that children who attend preschool are more successful in school. Increasing the number of childcare facilities is a priority in Kosovo's National Development Strategy 2016 - 2017, which aims to increase children's involvement in public and private childcare centres.<sup>49</sup> Creating suitable spaces for children with disabilities, as well, could contribute to improving their inclusion in the education system.<sup>50</sup>

- **Improve inspection of childcare facilities regarding how well the legal framework pertaining to preschool education is being implemented.** The Education Inspectorate should continue detailed and regular inspection on how the legislation is implemented. The EC Report on Kosovo for 2016 emphasized that the implementation of legislation on children's rights remains a challenge.<sup>51</sup>
- **Improve infrastructure in schools (with cabinets, sports halls, laboratories) and address existing gender stereotypes in textbooks and university textbooks.** Kosovo schools face infrastructure problems, such as a lack of proper heating and cooling systems, as well as sanitary and hygienic conditions in bathrooms.<sup>52</sup> A poor educational environment can impair children's ability to learn. MEST together with municipalities needs to address the aforementioned challenges by planning investments in educational infrastructure,<sup>53</sup> in accordance with Law No. 03 / L-068 on Education in Municipalities of the Republic of Kosovo. According to a review conducted by KWN, it is estimated that current school books contain many gender stereotypes. MEST should continue reviewing all books, incorporating a gender perspective and removing gender stereotypes from school and university textbooks in accordance with the Law on Gender Equality.<sup>54</sup> MEST can continue addressing the EU, seeking Instrument for Pre-Accession Assistance (IPA) support to finance improvements in the quality of education. The EU GAP encourages support for formal and informal non-discriminatory education, towards addressing gender stereotypes.<sup>55</sup>
- **Ensure transport for girls and boys with disabilities to attend school.** MEST together with municipalities should allocate budget and offer free transport for boys and girls with disabilities to attend school. Lack of transportation to attend classes is one of the many barriers faced by children with disabilities.<sup>56</sup> Under

---

<sup>45</sup> For further information, see: KWN, *Who Cares?*

<sup>46</sup> EC, *Barcelona Objectives: The Development of Childcare Facilities for Young Children in Europe with a View to Sustainable and Inclusive Growth*, p. 5, at: [http://ec.europa.eu/justice/gender-equality/files/documents/130531\\_barcelona\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/documents/130531_barcelona_en.pdf).

<sup>47</sup> For further information, see: KWN, *Who Cares?*

<sup>48</sup> Ibid, p. 19.

<sup>49</sup> Republic of Kosovo, National Development Strategy 2016 – 2021 (NDA), p. 12, at: [http://www.kryeministri-ks.net/repository/docs/Strategjia\\_Kombetare\\_per\\_Zhvillim\\_2016-2021\\_Shqip.pdf](http://www.kryeministri-ks.net/repository/docs/Strategjia_Kombetare_per_Zhvillim_2016-2021_Shqip.pdf).

<sup>50</sup> The EC, *Kosovo\* 2016 Report* also notes the issue of inclusion of children with disabilities in the education system (p. 27).

<sup>51</sup> Ibid.

<sup>52</sup> KWN, *Budgeting for Better Education: A gender analysis of Expenditures and Services in the Ministry of Education, Science and Technology*, Prishtina: KWN, 2016, p. 32 at: <http://www.womensnetwork.org/documents/20160607151528942.pdf>.

<sup>53</sup> Ibid.

<sup>54</sup> Law on Gender Equality, Art. 21.

<sup>55</sup> GAP 2016-2020, p. 30.

<sup>56</sup> Republic of Kosovo, The Ombudsperson Institution in Kosovo, 'Annual Report 2015', p. 62, at: [http://www.ombudspersonkosovo.org/repository/docs/Raporti\\_Vjetor\\_2015\\_IAP\\_FINAL\\_351292.pdf](http://www.ombudspersonkosovo.org/repository/docs/Raporti_Vjetor_2015_IAP_FINAL_351292.pdf).

the Convention on the Rights of the Child, states recognize the rights of disabled children to special care, including free assistance when possible to ensure that every child has access to education.<sup>57</sup> The EU GAP also encourages 'equal access to all levels of education'.<sup>58</sup>

- **Increase the number of psychologists and pedagogues in primary, lower and higher secondary schools and vocational schools, as necessary.** Psychologists in schools can be very important in the development and mental and physical health of girls and boys, as well as helping to increase the quality of learning process.<sup>59</sup> Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo foresees the presence of psychologists and teachers in educational institutions.<sup>60</sup> Young women activists in particular have expressed concern that psychologists need to be available to all schools, perhaps even on a rotational basis for smaller schools, as an important action to prevent dropouts, to identify domestic violence and to identify sexual harassment.<sup>61</sup>

### **For Ministry of Health**

- **Improve health inspections:** KWN's research has brought to light the need for inspectors to inspect registered and unregistered pharmacies and private clinics in particular.<sup>62</sup> While the EU offers Member States significant autonomy in governing healthcare, there are principles that Member States should follow. Namely, the right to non-discrimination can serve as a basis for ensuring that people have access to healthcare without any form of discrimination.<sup>63</sup> Inspectors should ensure that no one's rights to healthcare as protected by Kosovo law are being violated, which also relates to the rule of law,<sup>64</sup> and is of importance in relation to Kosovo's EU Accession.
- **Complete the process of modernizing the Health Information System (HIS) that should finish by 2020, including digitizing secure data collection and management in all municipalities that protects patients' rights to confidentiality. Moreover, trainings on how to utilize this system should be provided to persons responsible in order to ensure that reporting will be completed regularly and accurately.** A functioning HIS would enable better quality information regarding health and healthcare, which could inform policy-making. Ensuring inclusion of gender-disaggregated data would be in line with LGE,<sup>65</sup> and encouraged by the EU GAP.<sup>66</sup>

### **For the Ministry of Agriculture, Forestry and Rural Development**

- **Increase subsidies for women farmers.** The Ministry of Agriculture, Forestry and Rural Development and the Kosovo government through affirmative measures may empower women economically by increasing subsidies allocated for women farmers or incorporating gender quotas in the allocation of

---

<sup>57</sup> Convention on the Rights of the Child, 1990, Art. 23, at:

<http://www.unmikonline.org/regulations/unmikgazette/03albanian/Ahri/AConRightsChild.pdf>.

<sup>58</sup> GAP 2016-2020, p. 31.

<sup>59</sup> Republic of Kosovo, Ministry of Education, Science and Technology, 'Comprehensive Education the Right of Each', 2014, p. 8, at: <https://masht.rks-gov.net/uploads/2015/06/arsimimi-06-06-2014-3.pdf>.

<sup>60</sup> Republic of Kosovo, Law. No 04/L-032 on Pre - University Education, Art. 37, at: <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2770>.

<sup>61</sup> This concern was raised during meetings with young women and men involved in FemAct, 2015.

<sup>62</sup> KWN, *Access to Healthcare in Kosovo*, Prishtina: KWN, 2016.

<sup>63</sup> Consolidated version of the Treaty on the Functioning of the European Union, 2009, Art. 10 and Art. 19, and Consolidated version of the Treaty on European Union, Art. 3.

<sup>64</sup> For further information about rights violations, see KWN, *Accessing Healthcare in Kosovo*.

<sup>65</sup> Law on Gender Equality, Art. 5.

<sup>66</sup> GAP 2016-2020, p. 26.

existing subsidies. Perhaps this can be supported by IPA. The condition that requires applicants to have a high school diploma causes difficulties for many women to access subsidies, women's rights activists have observed. Removing this requirement for some subsidy programs may provide more access for women. Economic empowerment of women is among the aims of the EU GAP, which encourages providing support for women entrepreneurs and eliminating barriers to women's participation in markets, the private sector and to financial services.<sup>67</sup>

### **For the Ministry of Trade and Industry**

- **Support women in small and medium-sized enterprises.** The percentage of women-owned businesses continues to be small.<sup>68</sup> Special measures are necessary to address this, as foreseen by the LGE and in line with best practices in gender responsive budgeting. If the Ministry continues to receive EU IPA funds, it can put in place affirmative measures to encourage and support more women-led businesses either through quotas in existing subsidy programs, additional points in scoring processes, or special programs that seek to address women's under-representation among business owners. The EU GAP foresees such forms of support towards the economic empowerment of women, including 'women's equal access to financial services, and to use, and control of land and other productive resources, and support for women entrepreneurs'.<sup>69</sup>

### **For the Ministry of Justice, Courts, Notaries**

- **Implement Law No. 2004/26 on Inheritance and the broader legal framework related to property and inheritance, including *ex officio* registration of inheritance.** Women and girls in Kosovo are still not fully enjoying their rights to property and inheritance. The implementation of legislation in practice remains limited, undermining women's economic empowerment.<sup>70</sup> Legal reforms undertaken by the Ministry of Justice on the Civil Code should reflect a gender perspective. The EU can continue its support for developing policies for implementing the Law on Inheritance, as well as continue encouraging implementation by courts and notaries.

---

<sup>67</sup> Ibid, p. 33.

<sup>68</sup> KWN, *Budgeting for Gender Equality in Trade and Industry*, Prishtina: KWN, 2016, p. 36 at: <http://www.womensnetwork.org/documents/20161108210425364.pdf>.

<sup>69</sup> GAP 2016-2020, p. 9.

<sup>70</sup> EC, *Kosovo\* 2016 Report*, p. 27.