



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

**Monitoring Implementation
of United Nations Security Council
Resolution 1325 in Kosova**

Second Edition

Prishtina, Kosova
2009

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In loving memory of Lynne Alice

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ACKNOWLEDGMENTS

This monitoring project was made possible by funding from the United Nations Democracy Fund (UNDEF) and the United Nations Development Fund for Women (UNIFEM), as well as the generous time freely given by the many individuals who agreed to be interviewed in 2006, 2007, and 2009.

The Kosova Women's Network research team consisted of Dafina Beqiri, who conducted interviews for the first and second editions of this report, as well as Ali Misimi, Albana Lumi, and Elizabeth Carolan, who carried out research for the first edition. Nicole Farnsworth provided assistance with coding interviews. Dr. Lynne Alice, an international consultant to the Kosova Women's Network who taught human rights and humanitarian law at Deakin University in Australia, wrote the first edition of this report. The first edition was edited by Lynne Star. Besim M. Kajtazi, legal expert, wrote the second edition of this report. It was subsequently translated by Artan Venhari. Nicole Farnsworth edited the English version.

ABBREVIATIONS

ADL	Anti-Discrimination Law
AGE	Agency for Gender Equality in the Office of the Prime Minister of Kosova
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
EULEX	European Union Rule of Law Mission in Kosova
EUSR	European Union Special Representative
HRU	Human Rights Units
ICO	International Civilian Office
ICR	International Civilian Representative
ICRC	International Committee of the Red Cross
IMP	International Military Presence
IOM	International Organisation for Migration
ISG	International Steering Group on Kosova
KCS	Kosova Correctional Service
KFOR	Military Presence in Kosova
KGSC	Kosovar Gender Studies Center
KIPA	Kosova Institute for Public Administration
KJI	Kosova Judicial Institute
KP	Kosova Police (formerly Kosova Police Service – KPS)
KPGE	Kosova Program for Gender Equality
KSF	Kosova Security Force
SOK	Statistical Office of Kosova
KWN	Kosova Women’s Network
LGE	Law on Gender Equality
MOGE	Municipal Gender Equality Officers
MHRU	Municipal Human Rights Units
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OGA	UNMIK Office of Gender Affairs
OGG	Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues
OHCHR	Office of the High Commissioner for Human Rights
OMIK	OSCE Mission in Kosova
OPM	Office of the Prime Minister of Kosova
OSCE	Organisation for Security and Cooperation in Europe
PISG	Provisional Institutions of Self Government
RWL	Regional Women’s Lobby for Peace, Security, and Justice in South East Europe
SRSG	Special Representative of the Secretary-General
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
UNMIK	United Nations Mission in Kosova
UNSCR1325	United Nations Security Council Resolution 1325
VAAU	Victims’ Advocacy and Assistance Unit
WHO	World Health Organisation

EXECUTIVE SUMMARY

This report is the result of an ongoing monitoring exercise carried out by the Kosova Women's Network since 2005 on the implementation of United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security (2000) in Kosova. It evaluates the extent to which UNSCR 1325 has been implemented in Kosova to date (2009). This second edition therefore compliments the first monitoring exercise with new developments since 2007. Monitoring has been supported by the United Nations Fund for Democracy (UNDEF) and United Nations Development Fund for Women (UNIFEM). The report analyzes progress in three fields that UNSCR 1325 defines as obligatory:

1. Ensuring a gender perspective at all levels of decision-making;
2. Including a gender perspective in the training of police and military personnel; and
3. Protecting and respecting the human rights of women and girls.

Most **decision-making positions** in the government, security sector, and international institutions operating in Kosova remain dominated by men. Neither the Government of Kosova nor the United Nations Mission in Kosova (UNMIK) consulted adequately with or involved women during the process of negotiating Kosova's "final status." That no female charge d'affaires were nominated to serve in the embassies of the Republic of Kosova is also indicative of the failure to ensure women's participation in the highest levels of decision-making.

In regards to mechanisms toward the achievement of gender equality and a strong legal framework for the protection of women's rights, Kosova ranks first in the region. However, a lack of political will among decision-makers, limited intergovernmental dialogue, insufficient budgetary commitments, and inadequate human resources continue to hamper progress toward their implementation. Many women and men remain unaware of their rights and how they can access the protection offered by these laws. Education about UNSCR 1325 as well as its relevance to the peace-building process in Kosova is thus sorely needed.

In regards to a **gender perspective in the security sector**, slow but positive progress has been made. The Kosova Police in particular has successfully integrated UNSCR 1325 into its roles and obligations both at administrative and operational levels, including mandatory training on gender for all officers. Members of the Kosova Protection Corp were trained on gender, but whether this practice will continue with the new Kosova Security Force currently replacing it remains to be seen. The Kosova Correctional Service and Kosova Customs staff should be continuously trained in regards to gender and UNSCR 1325.

The Republic of Kosova is building a new legal infrastructure that seeks to conform to international and European standards on the **protection and promotion of human rights**. The adoption of a relevant legal framework, which includes the Constitution of the Republic of Kosova, Law on Gender Equality, Anti-Discrimination Law, Family Law, Kosova Program for Gender Equality (2008-2013), and Strategy for Human Rights (2009-2011), represent significant accomplishments. However, effective protection of women's human rights also requires the implementation of existing legislation.

In practice, the human rights of women and girls continue to be violated with regard to equal access to education, employment, and property ownership. Rural and minority women, particularly Roma, Ashkali, and Egyptians, continue to be the most at risk of a plethora of human rights violations. Domestic violence continues at an alarming rate, and the number of Kosovar women and girls being trafficked appears to be increasing. Although more cases of violence are being reported and there have been positive developments in law and order, the courts are failing to adequately implement the Regulation on Domestic Violence.

Progress has been made with the Agency for Gender Equality in the Prime Minister's Office taking the lead in drafting a new Law against Domestic Violence as well as a National Action Plan and Strategy against Domestic Violence with participation of women's groups specialized on this issue.

In regards to the ***gender perspective in UN reporting***, many interviewed internationals working in Kosovo revealed a superficial understanding of UNSCR 1325 and gender mainstreaming within international organizations. The most frequent misunderstanding is the equation of "gender issues" with women rather than interrogating the differential valuing of women and men in society. UNMIK has lacked solid engagement with civil society. Further, poor communication among international institutions and organizations has often led to overlapping work in gender-related projects.

Overall, the monitoring exercise revealed that governmental institutions, international organizations, and civil society in Kosovo continue to have very different levels of support for and promotion of UNSCR 1325. Women's organizations in Kosovo have been among the most active users of UNSCR 1325, calling upon the Resolution in their efforts to ensure women's participation in all levels of decision-making. Kosovar activists have also played an important role in supporting politicians and institutions in becoming more aware of gender equality and in successfully advocating for legislation that supports gender equality as a human right, thereby contributing directly to the implementation of the Resolution.

While in theory UNMIK attended to principles of gender inclusiveness in its operations, working partnerships, and policies, its performance and influence in disseminating gender mainstreaming as a core element of peace-building in Kosovo was very inconsistent. The challenge remains for the continued international military presence, as well as the International Civilian Presence in Kosovo, especially the new European Union Rule of Law Mission in Kosovo (EULEX) and International Civilian Office (ICO), to embrace principles of gender mainstreaming and to support the implementation of UNSCR 1325.

Additional efforts are still required on behalf of the Government of Kosovo, the international presence in Kosovo, and civil society to promote and implement UNSCR 1325. This includes increasing women's participation at all levels of decision-making in all institutions; implementing existing legislation toward the achievement of gender equality and protection of women's human rights; ensuring that police, security forces, judges, and social workers undergo training on gender, domestic violence, trafficking, and women's human rights; and continued efforts to increase public awareness about violations of women's human rights, as well as ways to seek redress in accordance with existing legislation.

I. INTRODUCTION

“We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution, peacemaking, peace-building, peacekeeping and reconstruction processes. Sustainable peace will not be achieved without the full and equal participation of women and men.”

– Kofi Annan, former UN Secretary-General

United Nations Security Council Resolution 1325 on Women Peace and Security (UNSCR 1325) emphasizes the importance of including a gender perspective in peacekeeping and peace-building operations. The Secretary-General (SG) of the United Nations (UN) is obliged to offer UN Member States directives and training materials on the protection, rights, and particular needs of women in peacekeeping and peace-building processes. Further, according to UNSCR 1325, the SG should ensure that military and civilian personnel deployed receive training on these issues by Member States.

UNSCR 1325 is effectively the recognition and guarantee of practical institutional arrangements for involving women in all levels of peacekeeping and rebuilding. An understanding of the specific influence of military conflict and aggression on women and girls will contribute to reasoning about conflict itself; offer a more detailed and accurate approach to conflict resolution; and provide a fair and just rebuilding of a society. The reasoning of the Resolution is that the special vulnerability of women during conflicts is deepened further and engraved in moments of unlawfulness, the presence of weapons, and economic and social disintegration. There is an urgent need to offer specialized training for all peacekeeping personnel in regards to protection, special needs and human rights of women and children in conflict situations, as well as to ensure that respective mechanisms are created and sustained.

Gender mainstreaming, a core concept in UNSCR 1325, has been defined by UNIFEM as:

[A] strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.¹

The importance of UNSCR 1325 as a tool for advocacy is the focus it puts on gender relations, further strengthened by international acts. It provides a potential platform for international cooperation in the sphere of conflict resolution and the achievement of sustainable peace. UNSCR 1325 effectively gives women activists and non-governmental organizations (NGOs) a legitimate voice in all post-conflict and peace-building efforts. “[S]uccess is in the process itself,” commented Luljeta Vuniqi, Director of the Kosovar Gender Studies Centre (KGSC). “[In creating the regional women’s movement] we succeeded in sitting there and imposing ourselves to discuss questions, to present problems and what we think about it all; the advocacy part is there in this process.”² Using UNSCR 1325, activists around the world as well as in Kosova have lobbied for national and international authorities to pay attention to their concerns during the peace-building process.

¹ UNIFEM, *Gender Mainstreaming: An Overview*, UNIFEM, 2002.

² Interview with Luljeta Vuniqi, Executive Director of the Kosovar Gender Studies Center, July 2007.

Although UNSCR 1325 has special relevance for conflict zones, all Member States of the United Nations are obliged to implement its recommendations, including the three inter-related areas that are the main focus of this report. The definition by Rickard Strickland and Nata Duvvury describes the key focus of UNSCR 1325:

The resolution, which is effectively international law, spells out four interrelated areas requiring the attention of all parties (UN, states, non-state actors, civil society) engaged in issues of peace and security: participation of women in decision-making and peace processes; inclusion of gender perspectives and training in peacekeeping; the protection of women; and gender mainstreaming in U.N. reporting systems and programmatic implementation.³

The Government of Kosova, UN agencies, international organizations operating in Kosova, police, national security forces, and civil society actors all have a responsibility to contribute to the articulation of UNSCR 1325 and related human rights treaties into domestic legislation, policy, and practice.

Importantly, Article 17 of UNSCR 1325 also specifies that the Secretary-General should report to the Security Council about “progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls.” This article has become pivotal for the lobbying by civil society groups for international accountability in the reconstructive work following armed humanitarian intervention.

Acknowledging previous reports and monitoring of UNSCR 1325 in Kosova, this monitoring report has surveyed all sectors with specific responsibilities to implement UNSCR 1325: international institutions and organizations, governmental institutions at all levels, and members of civil society.

The report is divided in two parts. The first surveys the actors responsible for implementing UNSCR 1325 and the extent to which they fulfilled their responsibilities. It also examines the existing laws and policies toward implementing UNSCR 1325 in Kosova. The second part of the report discusses overall progress toward implementing UNSCR 1325 according to the articles defined by UNSCR 1325 as key areas of obligation including: ensuring a gender perspective in all levels of decision-making; including a gender perspective in training for police and security forces; and protecting and respecting the human rights of women and girls. Following a summary of findings, the report concludes with recommendations for all actors responsible for implementing UNSCR 1325 in Kosova.

³ International Center for Research on Women (ICRW). “*Gender Equity and Peacebuilding from Rhetoric to Reality: Finding the Way.*” Working Paper, 2003. 29 May 2009. <http://www.icrw.org/docs/gender_peace_report_0303.pdf>.

II. THE RESPONSIBILITY TO IMPLEMENT UNSCR 1325: KEY INSTITUTIONS AND THE LEGAL FRAMEWORK IN KOSOVA

With Kosova's declaration of independence in February 2008, the political climate in Kosova has changed. Indeed, in his June 2008 report to the UN Security Council, the UN Secretary-General (UNSG) stated that the Declaration of Independence and the entering into force of the Constitution created a new reality in Kosova.⁴ The responsibilities to implement UNSCR 1325 in Kosova have thus shifted in the last two years.

Following NATO air strikes on Kosova and Serbia in July 1999, the United Nations Security Council adopted Resolution 1244 (UNSCR 1244), which established a transitional civil administration known as the United Nations Interim Administration Mission in Kosova (UNMIK). UNSCR 1244 ensured an international legal framework for Kosova. Together with the Constitutional Framework, UNSCR 1244 assigned legislative and executive powers, including the administration of justice, to UNMIK as exercised by the Special Representative of the Secretary-General (SRSG).⁵ In 2001, UNMIK shared its responsibilities with the Provisional Institutions of Self-Government (PISG) and eventually in 2003 transferred most competencies to the PISG ministries.⁶

In November 2005, negotiations for a final agreement on Kosova's political status began. The UN Secretary-General appointed former Finnish President Mr. Martti Ahtisaari Special Envoy for the Future Status of Kosova and tasked him with leading the United Nations Special Envoy team for Kosova (UNOSEK) from its base in Vienna, Austria. Ahtisaari was engaged in broad discussions with the two main parties, negotiating teams from Belgrade and Prishtina, and with international partners. The negotiations resulted in a "Comprehensive Proposal for the Kosova Status Settlement" or "Ahtisaari's Package."⁷ As an agreement between Serbs and Albanians failed to be reached, the "Comprehensive Proposal for the Kosova Status Settlement" called for an International Steering Group (ISG) consisting of key international actors to appoint the International Civilian Representative (ICR), subject to approval by the UN Security Council. ICR and the EU Special Representative (EUSR) appointed by the European Union Commission are thus the same person.⁸

Gradually, UNMIK has moved from an executive role to one of monitoring and assisting Kosovar institutions. With its significantly smaller presence, UNMIK, is in the final phase of closing its mission.⁹

The Government of Kosova is now facing various demands, such as implementing Ahtisaari's Plan, understanding and adapting to a new EU-led mission and assuming increased responsibilities handed over by UNMIK. Despite the overwhelming optimism

⁴ UN Department of Public Information, News and Media Division. "Secretary-General Tells Security Council to Reconfigures United Nations Presence in Kosovo: 'Least Objectionable' Way Forward on Divisive Issue." New York: 20 June 2008. 29 May 2009. <<http://www.un.org/News/Press/docs/2008/sgsm11649.doc.htm>>.

⁵ Since 20 June 2008, UNMIK has been led by SRSG Lamberto Zannier from Italy

⁶ UNIFEM. "Country profiles: Kosovo (Kosova)." 5 June 2009.

<<http://www.unifem.sk/index.cfm?module=wwwproject&pagewwwcountry&CountryISO=wwwKS>>.

⁷ UN Secretary General. "Comprehensive Proposal for the Kosovo Status Settlement." 2007. 5 June 2009. <http://www.unosek.org/docref/Comprehensive_proposal-english.pdf>.

⁸ UN Secretary General. "Comprehensive Proposal for the Kosovo Status Settlement: International Civilian Representative." 2007. 5 June 2009.

⁹ In January 2008, UNMIK staff, excluding police, included 462 internationals, 1,892 locals, and 125 United Nations Volunteers (UNV's). In 2007, OSCE had a staff of 999 people, including 283 internationals and 716 locals. <http://www.unmikonline.org/docs/2008/Fact_Sheet_July_2008.pdf>.

among the majority of Kosovar Albanians following Kosova's Declaration of Independence in early 2008, the past year has been marked with general frustration due to the slow pace of reform. Following the Declaration of Independence, most citizens believed that Kosova would be self-governed. However, in reality, UNMIK has not left, the incoming EU mission has had a slow start, and the public remains confused about the roles and responsibilities of both the international missions in Kosova and their elected officials.

Acknowledging previous reports and monitoring of UNSCR 1325 in Kosova, this section first examines the responsibilities of international institutions and organizations in Kosova to implement UNSCR 1325 and the extent to which they have fulfilled their obligations. Second, it examines the responsibilities and efforts of Kosovar institutions toward implementing UNSCR 1325. Third, it discusses the laws and policies in place toward implementing UNSCR 1325 in Kosova. Fourth, it looks at civil society initiatives in support of the Resolution's implementation.

It should be noted that some international and Kosovar institutions had only recently been established at the time of this monitoring exercise, which made examining their progress toward implementing UNSCR 1325 difficult.

1. International Institutions and Organizations

This section of the report analyzes only the international actors and organizations that have a responsibility to implement UNSCR 1325 in cooperation with Kosovar institutions and who have been and continue to be present in Kosova.

1.1 International Civilian Representative

The International Steering Group (ISG)¹⁰ appointed Peter Feith as the International Civilian Representative (ICR) in Vienna on 28 February 2008. Feith, a former high official of NATO and of the Secretariat of the Commission of the European Union dually holds the mandate of the EU Special Representative in Kosova. The International Civilian Office (ICO) assists the ICR in fulfilling its mandate.

The Government of Kosova is responsible for properly implementing the policies and principles set forth in Ahtisaari's Plan. The Government must implement policies that address security, decentralization, economic issues, rule of law, protection of cultural heritage and religious rights, and the protections of the rights of communities. In this respect, the Government of Kosova is facing challenges in terms of self-government while sharing power with the ICO, UNMIK, and the EULEX mission in Kosova.

The International Civilian Presence and International Military Presence still have some responsibilities in the security and rule of law sectors.¹¹ Therefore, the ICR, like UNMIK administrators, must ensure throughout its duties that UNSCR 1325 is implemented. Considering his recent arrival, it is difficult to assess the extent to which UNSCR 1325 has

¹⁰ The International Steering Group consists of countries that support the full implementation of the Comprehensive Proposal for the Kosova Status Settlement. Member states of the ISG are: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italia, Latonia, Lithuania, Luxemburg, Holland, Norway, Poland, Slovenia, Switzerland, Sweden, Turkey, the United Kingdom and the United States of America. <<http://www.ico-kos.org/?id=3>>.

¹¹ UN Secretary General. "Comprehensive Proposal for the Kosovo Status Settlement: Security Sector." 2007. 5 June 2009. <http://www.unosek.org/docref/Comprehensive_proposal-english.pdf>. See also Article 125 of the Constitution of Republic of Kosovo. <<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>.

been implemented by the ICR to date. However, ICO has held Civil Society Forums in which women's NGOs have been involved.

1.2 International Military Presence in Kosova (KFOR)

The mandate of the International Military Presence in Kosova (KFOR) derives from UNSCR 1244 and from the "Military Technical Agreement between NATO and the Federal Republic of Yugoslavia and Serbia,"¹² which followed the 78-day bombing campaign launched by the Alliance in March 1999¹³ to stop the Milosevic-led aggression against the civilian population and to force the withdrawal of the Yugoslav Army from Kosova.

KFOR initially numbered some 50,000 men and women from 35 NATO countries, partner countries, and countries not part of NATO, under a unified command.¹⁴ Since 2005, KFOR's mandate has moved from its primary focus of defense and demilitarization to supporting the reconstruction of social institutions and communities throughout Kosova. After the Declaration of independence in 2008, the Alliance reconfirmed that KFOR would remain in Kosova based on UNSCR 1244 unless or until the UN Security Council decides otherwise.¹⁵

In the new political context, on 12 June 2008, NATO began implementing its new duties in Kosova, including the dissolution of the Kosova Protection Corps (KPC) and the creation of the Kosova Security Force (KSF) as well as civilian structures responsible for KSF oversight.¹⁶ These duties have been implemented in close cooperation and continued consultation with respective local and international bodies. On 2-3 December 2008, NATO's Foreign Ministers reaffirmed that KFOR's presence led by NATO and mandated by the UN will continue in Kosova based on UNSCR 1244.¹⁷ In this context, they noted the approval of a presidential declaration at the UN Security Council in support of UNMIK reconfiguration. They also reaffirmed that NATO will continue its engagement in the dissolution of the KPC and establishment of the KSF based on NATO's voluntary trust funds.¹⁸ Its current mandate also includes offering support to civil institutions, judicial and criminal systems, electoral processes, and other aspects of political, economic, and social life.

Clearly these tasks bring KFOR within the ambit of UNSCR 1325. However, like all UN and NATO institutions, KFOR is not accountable to the citizens of Kosova. Hence, it is the responsibility of nations that contribute troops to KFOR to both train personnel in gender-appropriate behaviors and to incorporate gender-mainstreaming within the structures of troops participating within it. Under UNSCR 1325, KFOR is also responsible for incorporating a gender perspective into peacekeeping operations and supporting local women's peace initiatives and indigenous processes for conflict resolution.

¹² North Atlantic Treaty Organization (NATO). "NATO's Role in Kosovo: KFOR's Objectives." 5 June 2009. <<http://www.nato.int/issues/kfor/index.html>>.

See also "Military-Technical Agreement (MTA) between NATO and the Federal Republic of Yugoslavia and Serbia." 5 June 2009. <http://www.usip.org/library/pa/kosovo/kosovo_mta06091999.html>.

¹³ North Atlantic Treaty Organization (NATO). "NATO's role in Kosovo: The Evolution of NATO's Role in Kosovo." 5 June 2009. <<http://www.nato.int/issues/kfor/index.html>>.

¹⁴ NATO, *NATO Review*, No.2, Summer 1999, Vol. 47. <<http://www.nato.int/docu/rev-pdf/eng/9902-en.pdf>>.

¹⁵ North Atlantic Treaty Organization (NATO). "NATO's Role in Kosovo" 5 June 2009. <http://www.nato.int/cps/en/natolive/topics_48818.htm>.

¹⁶ North Atlantic Treaty Organization (NATO). "NATO's Role in Kosovo: KFOR's New Tasks." 5 June 2009. <<http://www.nato.int/issues/kfor/index.html>>.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

In April 2007, an estimated 16,000 soldiers from 34 countries were participating in KFOR.¹⁹ Articles on or by women serving in KFOR showed that many KFOR women regard military service as a stage in their careers and that despite being generally positive about their experience within the male dominated forces, most serve in isolation from other women.²⁰

According to Pauline Menthonex, Program Specialist and Monitoring Coordinator of KPC at UNDP, international soldiers are not very enthusiastic about the term “gender equality,” and they laugh at people who work on this issue:

When it came to the recruitment of members of the new force, I thought it would be good to send an email regarding the implementation of the Law on Gender Equality during the recruitment and [I] asked about their plans in regards to applying the gender quota. The reply by a high NATO officer was laughter. So we cannot blame only the government but should find a solution on how to make this situation change.²¹

Considering the role that KFOR has in overseeing the establishment of the KSF, it is essential that more attention be given to training personnel in gender-appropriate behaviors and incorporating gender-mainstreaming within the new force, as per UNSCR 1325.

1.3 United Nations Mission in Kosova (UNMIK)

Although neither UNSCR 1244 nor the Rambouillet Agreement that preceded it explicitly mention or address gender relations, given that modern conflicts disproportionately impact civilians and particularly women and children, the core relevance of the provisions of UNSCR 1325 to the peace-building responsibilities of UNMIK, defined above, are obvious.²² Most of the international community representatives interviewed believed that responsibility for the implementation of UNSCR 1325 lies ultimately with the highest levels of decision-making bodies.²³

Gender mainstreaming in institutional mechanisms as envisioned in UNSCR 1325 and related human rights treaties, such as the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), generally lacks practical commitment. It is thus rather rhetorical and largely dependent on the prior knowledge of individuals who are generally on short-term missions.

The failure of UNMIK to implement UNSCR 1325 has been reflected in its delayed inclusion of local women experts in decision-making and programmatic planning. In the last ten years, women’s representation at decision-making levels in UNMIK has been low. Out of the seven SRSGs administering Kosova since 1999, UNMIK has not had a single woman at the helm. The irony that Kosova’s new government is required to comply with gender mechanisms that are not evident in UNMIK’s own structures has been often overlooked. The marginalization of women and gender-mainstreaming as an operational focus in international institutions was

¹⁹ North Atlantic Treaty Organization. “Kosovo’s Fragile Transition: Information on Troops in Kosovo.” 2008. 5 June 2009. <www.nato.int/kfor/docu/pr/2007/04/pr070404.htm>.

²⁰ KFOR. “Women Have Served in Armies Around the World for Many Years.” *KFOR Chronicle*. 11 March 2002. 5 June 2009. <http://www.nato.int/kfor/chronicle/2002/chronicle_05/05.htm>. See also KFOR. “GNO Total Success!!!” *KFOR Chronicle*, 20 Sept. 2004 No. 9. 5 June 2009. <http://www.nato.int/kfor/chronicle/2004/chronicle_09/07.htm>.

²¹ KWN interview with Pauline Menthonex, Program Specialist and Monitoring Coordinator for KPC at UNDP, February 2009.

²² Chittister, Joan. “Mounting Civilian Casualties Challenge Concept of Just War.” *Washington Post*, 10 Jan. 2007. 28 October 2007. <http://newsweek.washingtonpost.com/onfaith/joan_chittister/2007/01/just_cause_or_just_war.html>.

²³ KWN interviews, July and November 2007.

frequently mentioned in the interviews and largely attributed to either the masculinist culture of international institutions or an unexplained lack of gender training within UNMIK.

As former SRSG Soren Jessen-Petersen remarked:

UNSCR 1325 calls for women's participation in all political and social processes etc. But unfortunately, it does not guarantee implementation because it is not on the hands of the United Nations. In Kosovo's case, it is the responsibility of those in authority. We can request, push and insist but we cannot guarantee if [national] leaders do not decide to invite women to participate.²⁴

However, under UNSCR 1325, UNMIK continues to have explicit responsibility for the implementation of the Resolution's provisions, as indicated in Articles 5 through 9, including consideration of the differential impact of post-conflict reconstruction on women and gender relations more broadly.

1.4 UNMIK Office of Gender Affairs

The Office of Gender Affairs (OGA) was established in 2000 on the basis of UNSCR 1325. UNMIK reorganized OGA as a political advisory office of the SRSG in 2004. OGA was established to cover a "comprehensive mandate,"²⁵ in order to include and ensure both consistency in the integration of gender issues within different UNMIK pillars and substantive offices and to monitor gender equality provisions during the implementation of Standards for Kosovo, the Standards Implementation Plan, and priorities of the European Partnership Action Plan. OGA has also transferred responsibilities strengthening the capacities of the PISG in order to address gender issues at the national and municipal level. OGA carried out some work with institutions to facilitate the access of women's organizations and minority women to higher levels of government and UN authorities. However, within UNMIK, women's voices were marginalized and the administration showed little real dedication to implementing UNSCR 1325.²⁶ As a result, OGA had minimal success mainstreaming gender within UNMIK.

1.5 European Union Rule of Law Mission (EULEX)

In February 2008, the Council for General Affairs and External Relations agreed on a Joint Action to establish a rule of law mission in Kosovo, known as "EULEX." The main duty of the mission is mentoring, monitoring, and counseling.²⁷ The EU Special Representative in Kosovo (EUSR) advises and supports the political process and ensures consistent action on behalf of the EU in Kosovo.²⁸

²⁴Kastrati, Antoneta and Cooper Johnson, Casey "Whose Security?" Crossing Bridges Productions. 2006.

²⁵ UNMIK. "Office of Gender Affairs." <<http://officeofgenderaffairs.unmikonline.org/>>. (Website no longer accessible).

²⁶ KWN interviews, 2007 and 2009.

²⁷ EULEX Kosovo. "Council Joint Action 2008/124/CFSP of 4 February 2008 on EU Mission for Rule of Law in Kosovo, EULEX KOSOVA." 4 Feb. 2008. 5 June 2009. <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0092:0098:EN:PDF>>.

²⁸ *Ibid.* In her/his other role, the EUSR oversees the implementation of the "Comprehensive Proposal for the Kosovo Status Settlement." She/he reports to the High Representative for Common Foreign and Security Policy. As EUSR, she/he reports to the ISG for Kosovo, which consists of 25 countries that have recognized the independence of Kosovo. Interim provisions of the Constitution confirm the regulation of the supervised independence of Kosovo, foreseen in the "Comprehensive Proposal for the Kosovo Status Settlement."

The EULEX mission is to support the Kosovar authorities in establishing the rule of law with a special focus on the police, judiciary, and customs.²⁹ It is a technical mission that will monitor, instruct, and advise while maintaining a limited number of executive competences. EULEX works within the general framework of UNSCR 1244 and has a unified chain of command in Brussels.³⁰

In preparation for the EULEX mission, Kosovar women activists took part in a roundtable organized by the Kosovar Gender Studies Centre (KGSC) in July 2007 to identify recommendations for EULEX. The message was, as KGSC Executive Director Luljeta Vuniqi wrote, "*We are not starting from zero.*" The meeting resulted in a set of recommendations for the incoming EULEX:

1. Legal and political mechanisms are needed to implement gender equality but better qualified people are also needed to implement them;
2. International actors must be more participatory and willing to collaborate with local people;
3. It would be wise for the incoming mission to not start with a "blame game," that is, to not start with negative and untested assumptions about the local population;
4. Women in civil society must actively help shape the EU Mission mandate by being pro-active in establishing a mutually agreed "gender agenda";
5. A gender perspective should be inserted into the EU mission's forward planning, and this should be explained and negotiated with local actors from the beginning;
6. Gender perspectives should be established and maintained at senior levels of leadership in the Mission rather than confined to the levels usually occupied by women;
7. Transparency in all administrative processes is expected and will be lobbied for and monitored by civil society groups;
8. Money towards trainings new arrivals;
9. A cross-sector task group should be established to induct staff and workers on current issues and lessons learned in order to ensure continuity and open communication;
10. Open channels of communication with women's groups must be established and maintained on a regular, ongoing basis; and
11. All international actors must consult local women's groups when designing programs to support local women.³¹

While deployment of the EULEX mission is fairly recent, there have been some efforts on behalf of EULEX to ensure women's participation in decision-making as per UNSCR 1325. For example, on 28 February 2008 at the Committee on Gender Equality in the European Parliament in Brussels, Kosovar women's rights activists spoke about the importance of having women involved in the decision-making processes. There, KWN Executive Director Igballe Rogova, MP of the Kosovar Parliament Edita Tahiri, and Head of the UNIFEM Office in Kosova Flora Macula suggested that EULEX should learn from UNMIK's failure to implement UNSCR 1325. Further, EULEX should involve women in all planning, drafting of policies, and peace-building programs. Macula also raised the issue of accountability within the EULEX mission. "Who will monitor the monitors," she asked.

On 10 October 2008, Kosovar women were also invited to speak at a high level conference on the "Implementation of Resolutions 1325 and 1820 in the EU Missions: Improvement of

²⁹ ICO."About Us." 5 June 2009. <<http://www.ico-kos.org/?id=2>>. EULEX comprises the European Security and Defence Policy (ESDP) largest civilian mission.

³⁰ *Ibid.*

³¹ Vuniqi, Luljeta. "*Welcome to Kosovo! Part Two.*" Prishtina: KGSC. August 2007. 5 June 2009. <<http://www.kgscenter.org/pdf/Paper%20eng.pdf>>.

Immediate and Long-term Security of Women,” organized by the French Presidency of the Council of the European Union and the UNIFEM Office in Brussels, in cooperation with the European Commission, Kosovo was included as a case study at the conference. Women activists, governmental institutions, and representatives of the security sector from Kosovo all participated, including Igballe Rogova and General Atifete Jahjaga, who spoke on the achievements of the Kosovo Police in the area of gender equality and women’s rights.

These invitations were largely a result of the ongoing lobbying efforts on behalf of Kosovar women’s organizations, together with their partners in the region. “I can say that this had a great echo,” Rogova said. She continued:

Since the first day EULEX arrived, they came to a meeting and we discussed opening a Gender Affairs Office within EULEX. However, the opening of this office does not mean that they will implement [the Resolution], but we told EULEX representatives that we would monitor how they implement Resolution 1325, and we think there has been movement in this direction.³²

To date, EULEX has established the Human Rights and Gender Office. It is also making an effort to increase the number of women working in the police force and to place women in senior positions.³³ According to Maria Fihl-Vetting, ICO Policy Advisor:

EULEX has a very ambitious program in regards to UNSCR 1325 and has included much of the Resolution in the Code of Ethics of the mission. Participation of women in this mission is more advanced and the whole team is much more prepared in regards to access to gender equality. This may be because EULEX is trying to break prejudices and is working in a better direction than UNMIK. The police and judiciary have an emphasized and sustainable gender component.³⁴

Susanne Backstedt, Gender Expert at the EULEX Mission in Kosovo, concluded, “We as EULEX have been here only two years now and ... I think we are heading in a good direction in fighting for your rights.”³⁵

1.6 Police Component of the EULEX Mission

The police component of the EULEX Mission is part of the general support offered by EULEX to the Kosovar authorities in the field of rule of law. It aims to help the Kosovo Police (KP) work towards the establishment of a multi-ethnic police force free of political influence and in service to the people of Kosovo. The EULEX Police will have a general strength of 1,400 international police officers, foreseen to be deployed throughout Kosovo. The personnel are structured according to their respective tasks in three departments: Strengthening Department, Executive Police Department, and Special Police Department.³⁶

Rainer Kuehn, Chief of Police of the EULEX Mission stated:

We aim to do this by monitoring, advising, and counseling KPS. Thus, EULEX police officers will be deployed alongside their KPS counterparts. Since we respect the principle of local ownership, EULEX police officers will mainly play a supportive role. KPS, and not EULEX, will be in charge. Our mandate also gives us the opportunity to use corrective competences. We will need to intervene especially in cases when the

³² KWN interview with Igballe Rogova, KWN Executive Director, February 2009.

³³ KWN interview with Theodora Krumova, Human Rights Department Officer at EULEX Mission in Kosovo, February 2009.

³⁴ KWN interview with Maria Fihl-Vetting, Policy Advisor at ICO, February 2009.

³⁵ KWN interview with Susanne Backstedt, Gender Expert at EULEX Mission in Kosovo, February 2009.

³⁶ EULEX. “EULEX Kosovo Police Component.” 9 June 2009. <<http://eulex-kosovo.eu/?id=9>>.

Kosovar authorities fail to stop violence toward non-majority communities or in the cases of political intervention which endanger the rule of law. However, we hope that the use of corrective competencies will be necessary only in extraordinary cases.³⁷

Like KFOR, EULEX police officers are responsible for implementing UNSCR 1325 through training all personnel on issues related to gender, ensuring women's participation in decision-making positions, and ensuring that the human rights of girls and women are respected in all of the its work. It is too early to tell whether EULEX police are meeting their obligations under UNSCR 1325.

1.7 The International Civilian Police (CIVPOL)

The program of the International Civilian Police (CIVPOL), created by UNMIK, has been decisive for the development of the impartial and independent Kosova Police Service (KPS). While its presence has decreased with time, CIVPOL continues to hold important competencies. Its responsibility to implement UNSCR 1325 in the same ways as KFOR and the EULEX police, however, has remained unchanged.

CIVPOL and KPS have made efforts toward implementing UNSCR 1325. At least in principle, CIVPOL has been dedicated to the achievement of gender equality in its ranks. Regardless of the recognition of UNSCR 1325 and relevant international human rights mechanisms, most commissioners, chiefs, and international police officers have been uninformed in regards to UNSCR 1325.³⁸

In 2005-2006, a mere 81 women police officers were engaged in a mission that numbered a total of 4,468 members.³⁹ An interview with the CIVPOL Senior Gender Advisor revealed that there were financial restraints in the employment of specialists, offering trainings, and effectively addressing the lack of gender awareness in both police forces, local and international. She explained the importance of gender in police work:

When they think of gender issues while they carry out their police duties, they could immediately think of domestic violence, ill treatment of children or trafficking and treat these as women's issues, which they are not... and afterwards we can talk about "intelligence" ... "Intelligence? What do gender issues have to do with intelligence?" [police ask] "I am sorry, but 50 percent of your population is female, and they do not talk with men because females speak only to females. If you want to get information you should have women in the intelligence unit." If, for example, two men interrogate a traumatised woman in a case of murder or rape, this can present a security problem, because the woman (who might not want to talk to men about this issue) could relive the whole event.⁴⁰

Another respondent, Behar Selimi, commented:

In my opinion UNMIK police have not brought any good experiences in the area of gender equality and respect for human rights, and this is known because we have had police officers from countries that have done nothing towards establishing respect for human rights. The only good thing they managed to do was to bring a woman advisor to the Commissioner who was from Netherlands and who created a structure of officers who dealt with gender issues. ... But the UN and OSCE did not bring good practices or good experiences within their organizations because if you

³⁷ EULEX. "Police Component of EULEX Mission Kosova." <<http://www.eulex-kosova.eu/alb/index.php?idwww9>>. (Website no longer accessible).

³⁸ KWN interviews 2007.

³⁹ CIVPOL website: <http://www.civpol.org/unmik>, accessed in 2007 (no longer accessible).

⁴⁰ KWN interview.

look at their administrations you can conclude that the UNMIK Police has had around two to three percent women while Kosova Police has 17 percent women, and this number is increasing, which means that their practice was no motivation for us.⁴¹

CIVPOL has involved representatives of up to forty very different cultures, and the way they have understood gender issues has been diverse.⁴² A single voice or understanding in regards to gender was thus difficult to achieve. Many people incorrectly understood gender as a “women’s issue.” The concept of gender is important for all police to understand in establishing a professional police force capable of protecting and providing security to all communities. Gender equality requires work on behalf of men and women. Gender balance is only one issue. Police also need to acknowledge the conditions of specific groups in the community and how to approach them, including sexual minorities and different ethnic groups. The presence of individuals from these groups within the police force also represents the necessary variety that the force should have.

1.8 Organization for Security and Cooperation in Europe

The OSCE Mission in Kosova (OMIK) has a specific obligation to ensure that all communities have equal access to all services provided by Kosovar institutions.⁴³ This means that OMIK must support the transfer of responsibilities to Kosovar institutions in a way that guarantees full respect of human rights. In this direction, OMIK is obliged to function in accordance with the provisions of UNSCR 1325.⁴⁴ OSCE has been responsible for drafting many UNMIK regulations that deal with gender issues. OSCE staff have also been involved in campaigns against trafficking and gender based violence, as well as in advising the Office of Good Governance in the Office of the Prime Minister of Kosova.

Institutional mechanisms and laws prepared by OSCE aim to mainstream gender in its operations and to offer support for local government efforts toward the achievement of gender equality. Some OSCE efforts in this direction include:

1. The OSCE Action Plan for the Promotion of Gender Equality⁴⁵ has promoted the prevention of gender discrimination in political, military, economic, environmental, and human fields of governance since 2004. The plan aims to achieve this purpose through the creation of a framework for organization and assessment of programs and projects, which are reviewed by the OSCE Secretariat.
2. OSCE Ministerial Council Decision number 14/05,⁴⁶ approved on 6 December 2005, makes a direct link between gender equality and security, like UNSCR 1325. It prioritizes the participation of women in “conflict prevention, crisis management and post-conflict rehabilitation.” The decision refers to the OSCE Action Plan of 2004 and encourages cooperation between participating states. It also encourages an increase in the number of women employed in the Secretariat, public administration, and field

⁴¹ KWN interview with Behar Selimi, Kosovo Police Deputy Commissioner, January 2009.

⁴² See UNMIK Police Awareness of UN Resolution 1325, pg. 11.

⁴³ Eiff, Hansjörg. “The OSCE Mission in Kosovo.” 5 June 2009. <<http://www.core-hamburg.de/documents/yearbook/english/99/Eiff.pdf>>.

⁴⁴ Organization for Security and Cooperation in Europe, Mission in Kosova. “Pillar III (OSCE) Programmatic Priorities for 2004,” Prishtina: 8 January, 2004. 29 May 2009. <http://www.osce.org/documents/mik/2004/01/2219_en.pdf>.

⁴⁵ OSCE Ministerial Council, “Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality.” Sofia: December 2004. 29 May 2009. <http://www.osce.org/documents/mcs/2004/12/3917_en.pdf>.

⁴⁶ OSCE Ministerial Council. “Decision No. 14/05: Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation.” Ljubljana: 2005, 29 May 2009. <http://www.osce.org/documents/mcs/2005/12/17432_en.pdf>.

operations. The Decision specifically requests the SRSG to report on the implementation of the Action Plan in relation to the provisions of UNSCR 1325.

3. OSCE Ministerial Decision number 15/05,⁴⁷ approved on 6 December 2005, reaffirms the UN Declaration on the elimination of Violence against Women, and the Beijing Declaration and Platform for Action. It makes a reference to the provisions of UNSCR 1325 for the full protection of the rights of women and girls in conflict and post-conflict situations and pledges its dedication to the UN Protocol for the Prevention, Suppression, and Punishment of Trafficking in Persons, especially Women and Children. This decision requires an improvement of the level of economic independence of women and criminalization of all forms of violence against women and girls. It also offers a provision for the support and protection of victims of gender based violent crime.

Within the OSCE Human Rights and Rule of Law divisions, work on gender issues mainly focused on supporting the development of legislation and mechanisms for its implementation. The mission also supported the Victims' Advocacy and Assistance Unit (VAAU), which later became the Victims' Advocacy and Assistance Division within the Ministry of Justice, in regards to anti-trafficking, gender-based violence, legislative and political support of governmental institutions responsible for gender issues, and support of victims.

While OSCE claims to have implemented UNSCR 1325 inside its structures, the Resolution has not been published nor used as a strategic framework for OSCE activities in Kosovo. Since 2004, OSCE employed two advisors on gender and established a gender issues unit. Advisors on gender issues report to the Department Head, but inclusion of gender issues as such is not highly prioritized.⁴⁸ According to respondents, the absence of a specific action plan in OSCE on the inclusion of gender issues reflects that within OSCE gender is usually considered a matter to be addressed only after law and order have been established.⁴⁹

1.9 United Nations Development Programme (UNDP)

UNDP has been present in Kosovo since the "emergency phase" in 1999. Its mandate includes building the capacities of the Kosovo expert community and local institutions to further develop their skills in policy drafting. Networking on issues dealing with human development among Kosovar decision-makers, media, civil society, and public opinion is also a major area of focus. International agencies such as UNDP are not obliged to report on gender mainstreaming in their structures. However, in relation to UNSCR 1325, UNDP has an important role to play in ensuring that women's human rights are mainstreamed in all development activities.

Their most recent effort in this direction has been the establishment of the Women's Safety and Security Initiative (WSSI). WSSI is a collaborative project between the Agency for Gender Equality in the Prime Minister's Office and UNDP. While focusing on domestic violence and producing sustentative research on the issue, the initiative also focuses on advocating for laws and policies at the central level.⁵⁰ The initiative also aims to train law enforcement personnel, including judges, as well as offer support to women's shelters.

⁴⁷ OSCE Ministerial Council. "Decision No. 15/05: Preventing and Combating Violence Against Women." Ljubljana: 2005. 5 June 2009. <http://www.osce.si/mc-docs/mc_15_05.pdf>.

⁴⁸ KWN interviews.

⁴⁹ KWN interviews.

⁵⁰ UNDP. "UNDP Kosovo GTTF Project Final Report: Women's Safety and Security Initiative (WSSI)." 5 June 2009. <<http://europeandcis.undp.org/gender/kosovo/show/B837C086-F203-1EE9-B9DC72A0C1ADACCA>>.

1.10 United Nations Development Fund for Women (UNIFEM)

Present in Kosovo since August 1999, UNIFEM provides financial and technical assistance to innovative programmatic initiatives that promote women's human rights, political participation, economic security, and the elimination of violence against women and girls.⁵¹ Like UNDP, UNIFEM works as an UN intergovernmental organization, which intercommunicates and cooperates with the government and civil society. UNIFEM also cooperates with other UN agencies because its mandate involves gender mainstreaming within other UN agencies.⁵²

UNIFEM has played a key role in coordinating the government and civil society in negotiating and drafting the Plan of Action for the Advancement of Gender Equality, approved by the government in 2004. After the Gender Equality Office (GEO) was established in the Office of the Prime Minister of Kosovo (OPM), UNIFEM continued to support the GEO, especially its Legal Directorate. UNIFEM contributed to capacity building of their staff, including after the GEO was renamed the Agency for Gender Equality (AGE). In 2008, UNIFEM assisted AGE to prepare an official report on the Convention for Elimination of all Forms of Discrimination Against Women (CEDAW) to be sent to and defended before the CEDAW Committee in Geneva.

Specifically in relation to UNSCR 1325, Flora Macula, Head of the UNIFEM Office in Kosovo, explained:

We work in two directions. The first deals with supporting the actions of civil society in regards to advocacy. Here we have had the Kosovo Women's Network as a main partner since 2003, with which we cooperate closely in all fields and seek to deepen support for monitoring Resolution 1325 in particular. On the other side, [we provide] institutional support for governmental institutions and/or other security sectors in the implementation of Resolution 1325 ... We are using Resolution 1325 as a tool in advocacy for increasing the participation and protection of women. Peace-building is a complex process and requires the involvement of every individual. [You cannot] leave aside the participation of women, 50 percent of the population, in decision-making processes during peace-building or peacekeeping in the region.⁵³

UNIFEM continues to finance and support training for legal professionals on gender issues and build general capacities in the professional sector specifically related to harmonizing existing and new laws from a gender perspective based on UN and international norms. UNIFEM has offered training for human rights officers of ministries in the field of women's human rights, assisted the Office of Good Governance in drafting the Human Rights Strategy, and supported the Kosovo Judges Association in regards to women's participation in the judicial system.

In July 2007, UNIFEM initiated the establishment of the Security and Gender Coordination Group, in which members of UN Agencies, EULEX, ICO, OSCE, and the Government participate. The purpose of the Group is to coordinate work in the field of women's human security and support government initiatives to fulfill women's human rights. The Group hopes to establish a mechanism that reports and monitors the integration of gender issues in the field of security.

In the area of gender training for police and security forces as requested by UNSCR 1325, UNIFEM has worked with the Kosovo Police for four years, as well as with the KPC. "We

⁵¹ KWN interview with Flora Macula, Project Coordinator (now UNIFEM Peace and Governance Advisor), July 2007.

⁵² *Ibid.*

⁵³ *Ibid.*

have managed to contribute to incorporating gender equality in these two institutions,” Macula said. With assistance from UNIFEM, KPC established a Gender Equality Board and developed a regulation for the functioning of the Board. A series of trainings were offered to build the capacities of the Board as well as of higher officers of the KPC. UNIFEM believes that the Gender Equality Board will be transferred to the KSF.⁵⁴ “This was a fantastic and extraordinary experience for me,” Macula added. “KPC was one of the best organized and dedicated partners we have ever worked with.” After a series of trainings for leaders in the field of gender equality and security, and in close cooperation with the Gender Equality Department of the Kosova Police and the Kosova Center for Public Security, Education, and Development’s training sector, two training modules were prepared that have been incorporated into the center’s training program.

UNIFEM has also been active in supporting women in civil society to strengthen their voice in political decision-making, as per UNSCR 1325. It supported the Roma, Ashkali, and Egyptian Women’s Network through the Kosovar Gender Studies Center (KGSC). At the same time, UNIFEM assisted KGSC in preparing a “Shadow Report” on the implementation of CEDAW in Kosova.⁵⁵

Towards ensuring “protection of and respect for human rights of women and girls,” as per Article 8c of UNSCR 1325, UNIFEM has partnered with NORMA Lawyers’ Association, the Regional Women’s Lobby for Peace, Security, and Justice in South East Europe (RWL),⁵⁶ and women MPs to support interethnic dialogue between Serb and Albanian women’s NGOs. UNIFEM also assisted more than 12 Kosovar Serb women’s NGOs in their efforts related to women’s rights, networking, and interethnic dialogue. UNIFEM, together with KWN, provided assistance for the establishment of the Serbian Women’s Network in 2009. UNIFEM also supported cross-border dialogue via RWL and the Women’s Peace Coalition (consisting of KWN and Women in Black Serbia).

RWL with support from UNIFEM organized a conference on 27 October 2008 entitled “*A Secure Future for Our Region: What Does It Take? Women Leader’s Speak Out*” in Prishtina. Women activists from politics and civil society from all countries in the region participated.⁵⁷ The President of Kosova also showed his support for the conference. On the third day of the conference, participants including women MPs visited two Serb minority areas and met with Serb women in Prishtina. The needs of Serb women were considered, and MPs discussed ideas for addressing these needs in the future.

Clearly UNIFEM has been among the most active international organizations in its efforts to implement UNSCR 1325 in Kosova.

1.11 United Nations Population Fund (UNFPA)

UNFPA was established in Kosova in 1999. Its mandate was to “restore basic and safe conditions for women and their newborn babies” as a part of the initial emergency response.⁵⁸ Then, in 2000, UNFPA was mandated to serve as the “lead agency in reproductive health in Kosova.” UNFPA works for the improvement of access to reproductive health services and to strengthen institutional capacity to collect, analyze, and utilize population-based data. The former head of UNFPA, Karl Kulesa, explained UNFPA’s role:

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ RWL brings together leading women from politics and civil society from each country in South East Europe to dialogue on key issues at the national and regional level, increase women’s participation in key decisions being made, and lobby national and international decision-makers. For more information, see the RWL website: <<http://www.rwlsee.org/>>.

⁵⁷ *Ibid.*

⁵⁸ UNFPA. “UNFPA in Kosovo.” 5 June 2009. <<http://www.unfpakos.org/unfpa.htm>>.

In the beginning we were concentrated more in rehabilitation and emergency support for women and men. We restored two maternity wards in the region. We are especially proud of the work we have done in Prizren because it is in perfect condition and is the most famous maternity ward. This is not all our merit because it is extraordinary the way they maintained it... it is no different from any other hospital in Europe. ... We are now focused on improving reproductive health services, which need to be offered in Kosovo. In general, we work as a UN organization through the Government, since that is how our mandate prescribes it. Our primary partner is the Ministry of Health. ... We mainly focus on the health of women, but men have to be involved as well because they are a part of the society and this requires partnership.⁵⁹

UNFPA assesses that it has been “very active” in promoting the Law for the Termination of Pregnancy in a way which protects women’s interests. While decision-makers “wish to talk about greater politics like equal opportunities, we focus on something more fundamental, like family planning, which has caused a revolution in Western Europe since the production of contraceptive medicine in the 60s,” Kulesa explained. “Since then, women can engage more easily in employment and negotiate changes in sexual relations.”⁶⁰ UNFPA provides and promotes contraceptives free of charge via NGOs and clinics.

Despite UNFPA’s efforts, access to healthcare services remains low. Visare Mujku-Nimani, the National Program Officer at UNFPA, traces the issue to poor economic conditions. “Even if [women] want to see a doctor, they have to ask permission from their husbands, and this limits their access to these services,” she said. She also identified sex selection as a serious issue.⁶¹ Through their efforts to improve women’s access to healthcare and support for safe houses sheltering women and children who suffered domestic violence,⁶² UNFPA has contributed to the implementation of Article 8 of UNSCR 1325.

1.12 United Nations Children’s Fund (UNICEF)

The main focus of UNICEF is to “increase knowledge and awareness at the governmental level on human rights in general and improve services offered to children and women in particular.”⁶³ UNICEF works in partnership with civil society groups, including youth groups and women’s networks. It also liaises with the Office of the Prime Minister, AGE, Ministry of Health, Ministry of Education, Ministry of Labor and Social Welfare (MLSW), Ministry of Culture, Youth and Sports, Department of Justice, and Ombudsperson Institution.

UNICEF’s mission in Kosova is to assist the government in creating a society based on tolerance, social inclusion, and respect for human rights and diversity. The aim is to eliminate current trends of marginalization and discrimination.⁶⁴ The UNHCR representative, Arbena Kuriu, noted, “For UNICEF, women’s rights are of key importance. We believe that it is not possible to realize children’s rights without women’s rights. Women are a key factor for fulfilling children’s rights.”⁶⁵ The Convention on the Rights of the Child and CEDAW present

⁵⁹ KWN interview with Karl Kulesa, November 2007.

⁶⁰ *Ibid.*

⁶¹ KWN interview with Visare Mujku-Nimani, National Program Officer, UNFPA, February 2009.

⁶² For more information on their support of shelters, see the KWN annual reports at

www.womensnetwork.org.

⁶³ UNICEF has worked in Kosova since 1999. After the emergency phase, in 2005, it initiated a new program of cooperation with local institutions. For more information, see the UNICEF Kosova website at <http://www.unicef.org/kosovo/>, accessed 29 May 2009.

⁶⁴ *Ibid.*

⁶⁵ KWN interview with Arbena Kuriu, November 2007.

the basis of international law for the work of UNICEF in Kosova. Like UNFPA and UNIFEM, it therefore contributes to Article 8 of UNSCR 1325, as well.

1.13 Office of the United Nations High Commissioner for Refugees (UNHCR)

UNHCR has functioned in Kosova since 1999 and has a mandate to protect, shelter, and offer emergency assistance, education, and healthcare services for displaced persons and refugees. UNHCR is not strictly a UN agency, but rather a coordinating body that operates according to requests from governments or under the authority of the UN in issues related to the return or displacement of refugees.⁶⁶ UNHCR has worked closely with the UNMIK Office of Returns and Communities and Kosovar institutions. Tamara Jerman and Vjollca Gjonbalaj from UNHCR commented on their work from a gender perspective:

We saw what happened in the field during our work; men go and register for their wives in their name as head of the household. The High Commissioner ... requires that all people, particularly women are registered with their own names so they can have access to assistance. They cannot get assistance through their male representatives or members. We pay particular attention to “persons of concern,” especially women who are victims of gender-based violence, and also [ensure] that women are included in food distribution and that food is given directly to women, not their male family members. It is often the case that when the man gets the food for the family he then sells it for money, so the family has no food. Another thing required by the UNHCR is to provide women with access to sanitary materials, that is, specific for women; these are special action points which are referred to as “gender protection.”⁶⁷

Shpend Halili added:

The current primary focus of UNHCR, which relates partially to UNSCR 1325, is advocacy for legal assistance. ... UNHCR has a specific focus towards internally displaced persons, returnees to Kosova, refugees, asylum seekers, persons who are in danger of remaining without citizenship, and other specific social groups. Within the current UNHCR activities ... women and gender issues represent an aspect of specific focus of engagement. Apart from this, the other four priorities are the following groups: children and adolescents; elderly and persons with disabilities; protection and preservation of environment; and fighting HIV/AIDS.⁶⁸

Despite these efforts, UNSCR 1325 lacks explicit connections with the public work of UNHCR in Kosova regardless of the relevance this Resolution has on the work it does, as foreseen in the Preamble of UNSCR 1325, and Articles 8, 9, 10, 11 and 12.

1.14 Summary

In conclusion, the international community present in Kosova has made some progress towards implementing UNSCR 1325. UN agencies have generally showed more commitment to its implementation than UNMIK, KFOR, or EULEX, which is unfortunate considering that the latter have held key decision-making competencies in Kosova. Respondents also cited examples of irregular and uncoordinated cooperation among international decision-makers and their respective agencies, which hindered effective inclusion of women in decision-making processes and slowed gender mainstreaming from the national to the municipal level. EULEX or UNMIK can say that UNSCR 1325 is important, but in order for this declaration to be taken seriously, women must receive a commitment

⁶⁶ Loescher, Gil. *The UNHCR and World Politics: A Perilous Path.* Oxford University Press: 2002.

⁶⁷ KWN interview with Tamara Jerman and Vjollca Gjonbalaj, November 2007.

⁶⁸ KWN interview with Shpend Halili, Information Officer, UNHCR, February 2009.

from those currently in power (mostly men) that the creation of an all inclusive society is a matter for all, not just women.

However, international organizations continue to lack understanding of gender issues while erroneously matching the concept of “gender” with women rather than reviewing the differential values given to men and women in a society. In many cases, internationals thought it was impossible to have a “gender balance” in such a “patriarchal society” and commented that most women are so repressed that the Law on Gender Equality of 2004 is nothing more than a summary of rhetoric. Such stances within the international administration have weakened efforts of the government and civil society to work towards a gender balance as foreseen by UNSCR 1325 and Human Rights Conventions. There have been some exceptions that led to progress in articulating UNSCR 1325 in regulations, protocols, ethical codes, and laws.

In general, much work remains before international agencies in Kosova: ensure women’s representation in all key decision-making processes; prioritize with financial and human resources the protection of women’s human rights; and ensure all international staff are adequately trained with regard to gender sensitivity, as per UNSCR 1325. As Pauline Menthonex commented, “not every member of the international community working in Kosova knows what gender equality or human rights means.”⁶⁹ This should change. Education on UNSCR 1325, its relations with CEDAW, and its importance for the peace-building process in Kosova are therefore sorely needed.

2. Kosovar Institutions Responsible for Implementing UNSCR 1325

The Constitution of the Republic of Kosova established institutions based on the principle of separation of powers and balance between them, including the Assembly, the President, the Government, courts, and other respective bodies. This report only examines the main Kosovar institutions and mechanisms responsible for implementing UNSCR 1325, including the strengthening and promotion of women’s rights.

2.1 The Assembly of the Republic of Kosova

In accordance with the Constitution, the Assembly of the Republic of Kosova is the legislative institution elected by the people.⁷⁰ The Assembly is comprised of 120 ministers (MPs), elected by secret ballot based on an open list electoral system. Seats at the Assembly are divided in proportion with the valid number of votes won in the election.⁷¹ The current Assembly was established after the general elections of November 2007.⁷²

Article 71.2 of the Constitution foresees that “the Composition of the Assembly of Kosova will respect the principles of gender equality accepted in agreement with international principles.”⁷³ The achievement of approximately 30 percent representation of women in the

⁶⁹ KWN interview with Pauline Menthonex, February 2009.

⁷⁰ The functioning of the Assembly is regulated by Chapter IV, “Assembly of the Republic of Kosova,” of the Constitution of the Republic of Kosova.

⁷¹ Article 64, “Structure of the Assembly,” of the Constitution of the Republic of Kosova states that the 120 seats are distributed according to the following formula: 100 seats for all political parties in Kosova, 10 for representatives of the Serb community, 10 for representatives of other communities, four for Roma, Ashkali, and Egyptian communities (RAE), three for Bosnians, two for Turks and one for a Gorani representative.

⁷² Assembly of the Republic of Kosova. 29 May 2009. <<http://www.kuvendikosoves.org/>>.

⁷³ Constitution of the Republic of Kosova. “Article 71: Qualifications and Gender Equality.” 5 June 2009. <<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>.

Assembly due to the quota is considered an achievement.⁷⁴ “I think the quota is obligatory and necessary to have considering the system and mentality of Kosovar society,” commented Shqipe Krasniqi, acting CEO of AGE.⁷⁵

However, the quota has not resulted in more women occupying higher decision-making positions. Two out of 17 ministries were led by women and there were three women deputy ministers in 2009. Respondents noted that the general marginalization of women inside political party structures, lack of programs for mainstreaming gender in party politics, and passive engagement of women MPs in the Assembly have all impacted the possibility for women to influence decision-making.⁷⁶

The Assembly of Kosova nominates permanent committees,⁷⁷ two of which should promote and assist the realization of gender equality, and, thus, implement UNSCR 1325. First, in its responsibility of developing and overseeing policies and strategies for internal security, the Committee for Internal Affairs and Security should include a gender perspective and offer respective training to increase the awareness of police and military personnel in Kosova.⁷⁸ The extent to which it has fulfilled this obligation remains to be seen.

Second, the Committee on Human Rights, Gender Equality, Missing Persons, and Petitions must monitor the drafting of legislation and make recommendations, but this has happened very rarely. To date, the only gender-related work in which it has been involved was the process of drafting the National Program for Gender Equality (NPGE) 2008-2013.⁷⁹ The Committee should be more active in examining all draft legislation to ensure it includes a gender perspective and meets international human rights standards.

2.2 Security Council of the Republic of Kosova

According to the Constitution, the Security Council of the Republic of Kosova (SCK), in cooperation with the President and the Government, prepares the security strategy for the Republic of Kosova.⁸⁰ The Council operates in an advisory capacity with regards to matters

⁷⁴ KWN interviews. See also *Democracy in Action*. 29 May 2009. <<http://www.democracy2007.net>> and the Kosova Institute for Policy Research and Development (KIPRED). *A Series of Policy Research: Analysis of Elections: Trends and Lessons Learned*. Prishtina: February 2008. Kosova has had a gender quota since the first elections in 2000. Each group of three names in a party's candidate list must have a candidate of the opposite gender. Then, upon counting the votes, the gender less represented shall comprise at least 30 percent of the total of candidates. For example, if the three top candidates who won the most votes were of the same gender, the third candidate would be removed and the most voted candidate of the opposite sex would receive that place. This process would continue until the less represented gender had 30 percent of the seats. This rule was valid for both the National and municipal assemblies.

⁷⁵ KWN interview with Shqipe Krasniqi, Acting CEO of AGE, February 2009.

⁷⁶ KWN interviews.

⁷⁷ Of the thirteen Committees of the Assembly of the Republic of Kosova, only two are presided over by women.

⁷⁸ The Committee is also responsible for initiating and approving legislation. It oversees the development and structuring of the security architecture in Kosova, especially: terminating the mandate of KPC and establishing the Kosova Security Force and Kosova Intelligence Agency; developing and supervising the implementation of general security standards including those of minorities; initiating bilateral and multilateral agreements; supervising the management and issuance of personal documents and travel documents; and monitoring regional cooperation in the field of security and protection against organized crime and terrorism. The Committee is also responsible for exchanging experiences and developing training programs with other countries in the field of security.

⁷⁹ The Committee also hears progress reports made by AGE.

⁸⁰ Constitution of the Republic of Kosova. “Article 127: Security Council of Kosova.” 5 June 2009. <<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>.

of the nation's security and the consequential impact on regional stability.⁸¹ One of the competencies of SCK is preparing and reviewing the Security Strategy of Kosova and submitting it for approval by the Government and finally the Assembly.⁸² SCK is still being established. In the future the Security Strategy of Kosova must include a gender perspective as well as reference UNSCR 1325 toward improving the position of women in the security sector.

2.3 The Government of the Republic of Kosova

The Government of the Republic of Kosova is responsible for the implementation of laws and state policies and is subject to parliamentary oversight.⁸³ The Law on Gender Equality, Article 4.7, stipulates that the government and ministries must promote and guarantee equal gender rights.⁸⁴ In the Kosova Program for Gender Equality (2008-2001), it is stipulated that:

Considering the dedication of the Government of Kosova to institutional integration of a gender perspective, including the required creation and implementation of legislation, policies, mechanisms, and measures for the advancement of the position of women, and based on the implementation of this project in all fields of political and social life, the Government should promote gender equality as a precondition for the functioning of democratic institutions and as a condition for European and Atlantic integration.

In 2009, only two of the 17 ministries were led by women and there were three female deputy ministers. In general, gender equality and the implementation of UNSCR 1325 were not considered priorities by the Government.

2.4 Municipalities

Municipalities are the basic unit of local self-government in the Republic of Kosova. The boundaries of each municipality are legally established and consist of a specific community and its residents. Municipalities are endowed with those powers not explicitly held by Kosova's central institutions.⁸⁵ Municipalities must encourage and ensure active participation of all citizens in local decision-making processes.⁸⁶ Municipalities have their own

⁸¹ Assembly of the Republic of Kosova. "Article 1, Law No. 03/I-050: Establishment of the Security Council of Kosova." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 26, 2 June 2008. Article 3.1 states that the Security Council of Kosova consists of the following permanent members with executive authority: a) Prime Minister; b) Deputy Prime Minister(s); c) Minister of Kosova Security Force, or in his/her absence, Deputy Minister(s); d) Minister of Foreign Affairs, or in his/her absence Deputy Minister; e) Minister of Interior, or in his/her absence Deputy Minister; f) Minister of Justice, or in his/her absence Deputy Minister; g) Minister of Economy and Finance, or in his/her absence Deputy Minister; and h) Minister of Returns and Communities, or in his/her absence Deputy Minister. It also recommends policies and strategies for security; and provides information and assessment of the state of security in Kosova to enable the Government of Kosova to take decisions in regards to security issues.

⁸² Assembly of the Republic of Kosova. "Article 2, Law No. 03/I-050: Establishment of the Security Council of Kosova." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 26, 2 June 2008.

⁸³ Constitution of the Republic of Kosova. "Article 4.4: Form of Government and Separation of Power." 5 June 2009. <<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>.

⁸⁴ Assembly of Kosova. "Law No.2004/2: On Gender Equality in Kosovo." Feb. 2004. 5 June 2008. <http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf>.

⁸⁵ Assembly of Kosova. "Law No. 03/I-040: Local Self-Government, Article 4." June 2008. 5 June 2009. <http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf>.

⁸⁶ Constitution of the Republic of Kosova "Article 124: Local Self-Government Organization and Operation." 5 June 2009.

competencies in accordance with the Law on Local Self-Government.⁸⁷ According to the Law on Administrative Boundaries, there are 38 municipalities. Local authorities function as part of the Association of Municipalities, according to Article 10 of the European Charter of Local Self-Government of the Council of Europe.⁸⁸

Municipal bodies are obliged by law to guarantee the human rights of their citizens regardless of gender or any other differential status.⁸⁹ Article 4.14 of the Law on Gender Equality stipulates that bodies of local governance, in accordance with their competencies, promote and create equal opportunities, draft policies based on gender equality, approve measures, and undertake activities necessary for the creation of equal opportunities for women and men.

At the municipal level, some interviewees said that the positions of Municipal Gender Affairs Officers (MOGE) illustrated the limited support for gender equality mechanisms and the overall lack of awareness in relation to gender affairs at the municipal level.⁹⁰ Financial constraints limited not only the activity of MOGEs but also the inclusion of women in decision-making processes at the municipal level.⁹¹

2.5 Agency for Gender Equality

The Office for Gender Equality was initially established by the Government of Kosovo on 1 February 2005 in conformity with Article 5.1 of the Law on Gender Equality,⁹² which states that the Government of Kosovo must establish the Office for Gender Equality as a specific governmental institution. On 10 May 2005, Regulation No. 2/2005 on the “Establishment and Internal Organization of the Office for Gender Equality” was approved.⁹³ It defines the working procedures and internal organization of this office.

Meanwhile, UNMIK Administrative Instruction No. 2007/3 established the Agency for Gender Equality (AGE) as an executive agency within the Office of the Prime Minister of Kosovo.⁹⁴ Hence, the Office for Gender Equality functions under the name “Agency for Gender Equality.” AGE is managed by a Chief Executive Officer (CEO). However, since its establishment, it has always been led by an “acting CEO,” which likely hampers its ability to implement the Law on Gender Equality. AGE has three directorates or divisions: the Legislation Division, Cooperation Division, and Monitoring and Reporting Division. AGE is financed by the Kosovo Consolidated Budget and on occasions receives support from other funds.

⁸⁷ Assembly of Kosovo. “Law No. 03/I-040: Local Self-Government.” June 2008. 5 June 2009. <http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf>.

⁸⁸ Law No. 03/I-041 on “Administrative Boundaries of Municipalities” Official Gazette of the Republic of Kosovo, Prishtina, year III, No. 26, 2 June 2008. This Law: regulates territorial organization of local self-government of the Republic of Kosovo; establishes new municipalities; defines the territory of a municipality as a unit of local self-government; defines municipal administrative boundaries, names and residencies of new municipalities; sets transitional regulations between existing municipalities and new municipalities established by this law; and defines procedures for the change of administrative boundaries of municipalities.

⁸⁹ Assembly of Kosovo. “Law No. 03/I-040: Local Self-Government, Article 4.2” Official Gazette of the Republic of Kosovo, Prishtina, year III, No. 28, 4 June 2008.

⁹⁰ KWN interviews.

⁹¹ KWN interviews.

⁹² Assembly of Kosovo. “Law No.2004/2: On Gender Equality in Kosovo.” Feb. 2004. 5 June 2008. <http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf>. Official Gazette of the Provisional Institutions of Self Government in Kosovo, Prishtina, year II, No.14, 1 July 2007.

⁹³ Decision No. 3/146 created the Office for Gender Equality.

⁹⁴ UNMIK Administrative Instruction No. 2007/3 on the implementation of UNMIK Regulation No. 2001/19 on the executive branch of the Provisional Institutions of Self-Government.

As stipulated by the Law on Gender Equality, AGE coordinates its activities pertaining to gender with the Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues.⁹⁵ However, cooperation between the two institutions has been weak, and some confusion has existed in regards to their competencies, particularly in relation to the newly formed Human Rights Units. Due to insufficient financial resources, all but one MOGE worked from within the Human Rights Units in 2009, which perhaps contributed to confusion among MOGEs in regards to their responsibilities.

AGE is responsible for the promotion of equal participation of women and men in all spheres of political, economic, social, and cultural life as an important factor of the functioning of democratic institutions. "AGE should lay the ground for women and men towards gender equality,"⁹⁶ said Shqipe Krasniqi, Acting CEO of AGE. Yet AGE's focus on gender does not influence the sector responsibilities and mandates of individual ministries for the promotion of gender equality.⁹⁷

In 2009, AGE continued to face numerous obstacles, despite the clarity in regards to its operational objectives. First, the absence of clear benchmarks made measuring progress toward the implementation of the Law on Gender Equality difficult.⁹⁸ Second, the Agency lacked adequate human resources, including sufficient capacities or training on essential topics such as UNSCR 1325. AGE needed more employees and a larger budget.⁹⁹ Third, AGE had only marginal cooperation and coordination with MOGEs and other mechanisms toward the achievement of gender equality. The Serb MOGEs had not reported to AGE since Kosovo's Declaration of Independence and no MOGEs had been appointed in the new municipalities as of May 2009.

2.6 Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues

OGG has functioned under the Office of the Prime Minister of Kosovo since March 2002 and is responsible for monitoring and advising ministers on good governance, human rights, equal opportunities, and gender.¹⁰⁰ OGG serves as a secretariat and a coordination body for different governmental mechanisms, including the Inter-ministerial Committee for Children's Rights, the National Council for Persons with Disabilities, and the Inter-ministerial Working Group against Corruption. It also heads the coordination of the Human Rights Units in all ministries. OGG has been successful in creating a broad network of cooperation with important local and international stakeholders in the area of human rights, including OSCE, UNDP, UNICEF, UNIFEM, IOM, KFOS, OHCHR, and the Council of Europe, among others. OGG worked closely with KWN and UNIFEM on the first National Action Plan for the Achievement of Gender Equality, but insufficient care has been given to UNSCR 1325.

2.7 Inter-Ministerial Council on Gender Equality

The Inter-ministerial Council on Gender Equality was created in 2006¹⁰¹ and is comprised of gender equality officers from the ministries of the Government of Kosovo and the Gender

⁹⁵ Assembly of Kosovo. "Law No. 2004/2: Gender Equality, Article 5.2." Official Gazette of Provisional Institutions of Self-Government in Kosovo Prishtina, year II, no.14, 1 July 2007.

⁹⁶ KWN interview with Shqipe Krasniqi, Acting CEO of AGE in OPM, February 2009.

⁹⁷ See Article 2, UNMIK Administrative Instruction No. 2007/3 on the implementation of UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government.

⁹⁸ KWN interview with Virgjina Dumnica, UNDP, February 2009.

⁹⁹ KWN interview with Pauline Menthonex.

¹⁰⁰ Annex I/E on the Prime Minister's Cabinet. UNMIK Regulation No.2001/19 (amended), 13 September 2001, on the Executive Branch of Provisional Institutions of Self-Governance in Kosovo.

¹⁰¹ Article 4.9 of LGE calls for the Government to create an Inter-ministerial Council on Gender Equality, and the Government of Kosovo's Decision No. 05/157 approved Regulation No. 01/2006 on the Establishment, Competencies, and Duties of the Inter-ministerial Council on Gender Equality. The Inter-ministerial Council on Gender Equality, previously the Inter-ministerial Group on Achieving

Equality Officer from OGG. The AGE CEO chairs the Council in order to coordinate activities in the area of gender equality. The result of the Council's work to date is unclear. Women still do not hold positions in the highest levels of governmental decision-making, and no women participated in the final status negotiations.

2.8 Kosova Security Force

The process of disbanding the Kosova Protection Corps and establishing the Kosova Security Force (KSF) started in June 2008.¹⁰² Therefore KSF is a new force still in the process of formation. KSF should be comprised of approximately 2,500 lightly armed personnel. Their first tasks will be responding to crisis, disabling explosives, and civil protection. The process is carried out under the control of NATO and in close coordination with other international stakeholders.

The Minister of KSF administers and has general control over KSF, including all powers under the KSF Commander.¹⁰³ The Law on the Kosova Security Force governs the functioning of KSF, including its uniformed members (both active and reserve), civilians, and its recruits. According to this law, KSF is a completely voluntary force constructed from all levels of society. KSF will be tasked with performing those security functions not already assigned to other law enforcement agencies, including the police force. Ultimately, the duties of KSF will be determined by a monitoring process governed by the standards established by the International Military Presence in cooperation with the International Civilian Representative.¹⁰⁴

According to the Constitution, KSF is a national security force for the Republic of Kosova, and it can send its members abroad in full accordance with its international responsibilities.¹⁰⁵ In this respect, KSF can legally deploy military and civilian personnel to

Gender Equality, was established by the Government in April 2003 with the goal of coordinating institutional activities on gender equality issues. It included representatives from OGG, all ministries, NGOs, and agencies working in the area of gender equality.

¹⁰² *Ibid.* According to Article 154 of the Constitution, the Kosova Protection Corps (KPC) will disband within a year of the Constitution entering into force. Until then, the International Military Presence, in consultation with the International Civilian Representative and the Republic of Kosova will have executive authority over KPC and decide on the disbandment timeframe. The KPC were formed with the promulgation of UNMIK Regulation No. 1999/8 (September 20, 1999) on the establishment of the Kosova Protection Corps. KPC acted under the authority of the SRSG. KFOR gave instructions on the day-to-day functioning of KPC in accordance with the policy and priorities set by the SRSG. KPC duties set by UNMIK Regulation No. 2006/3 on the amendment of Regulation No. 1999/8 on the establishment of the Kosova Protection Corps were to: react to catastrophes; perform search and rescue activities; offer humanitarian aid in isolated areas; assist in demining; contribute to rebuilding infrastructure and reconstruction for communities, including monitoring reconstructed and uninhabited property of minority communities and other humanitarian duties, having in mind Article 1.2 (KPC will not have any role in law enforcement or rule of law and public security); and perform ceremonial duties in its area of responsibility as an agency for emergency civil services in accordance with the KPC coordinator and KFOR. Respondents suggested there were significant problems for women seeking promotion through the ranks because of the recruitment ban.

¹⁰³ Assembly of Kosova. "Articles 1 and Article 2 of Law No. 03/I-045: Ministry of Kosova Security Force." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 26, 2 June 2008.

¹⁰⁴ Assembly of Kosova. "Article 9 of Law No. 03/I-046: Kosova Security Force." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 27, 3 June 2008.

¹⁰⁵ Constitution of the Republic of Kosova "Article 126: Kosova Security Force." 5 June 2009.

<<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>. Article 2.1 of Law No. 03/I-046 on the Kosova Security Force, determines that members of KSF are authorized to serve inside the territory of the Republic of Kosova and are sent abroad to operations only when such a mandate is given to them by the Assembly of the Republic of Kosova and in agreement with the

peacekeeping and peace-building operations in the future. UNSCR 1325 emphasizes the importance of including a gender perspective in peacekeeping and peace-building operations, including the training of civilian and military personnel sent on these missions. Since the process has only recently begun, it is difficult to determine the extent to which KSF will implement UNSCR 1325.

2.9 Kosova Police

Initially the Kosova Police (KP) functioned under the name of the Kosova Police Service (KPS), which was established under the mandate of the OSCE Mission in Kosova (OMIK) to develop an effective police institution for a democratic Kosova. According to Resolution 1244, the UNMIK mandate included creating a new police force. KPS functioned under UNMIK command with the police commissioner commanding both the international police (CIVPOL) and KPS. KPS reached its foreseen size of 7,000 members in 2008. Around 85 percent of KPS officials are Albanian with 15 percent Serb and other ethnicities.

On 20 February 2008,¹⁰⁶ the Police of the Republic of Kosova (KP) were formed as a public service under the auspices of the Ministry of Internal Affairs (MIA)¹⁰⁷ and under the supervision of the Police General Director, who was appointed by the Prime Minister on 10 December 2008. KP is responsible for ensuring the rule of law and public security in all territories of the Republic of Kosova.¹⁰⁸

In 2009, women still comprised only 11.2 percent of the KP and held 12.39 percent of higher ranks.¹⁰⁹ Half of the Advisors for Gender Issues located at police stations throughout Kosova were female. While KP has not yet reached equal gender representation at levels of the force, progress has been made especially in comparison to other public institutions. KP has worked to integrate UNSCR 1325 into its roles and obligations both at the administrative and operational levels. Importantly, members of the KP leadership demonstrate a commitment to mainstreaming gender throughout the force, including mandatory police training.

Article 7 of the Law on Police No. 03/L-035 requests that municipal mayors establish Municipal Councils for Security. On 20 March 2009, an Administrative Instruction (AI) was signed in a joint meeting between the KP, Ministry of Interior Affairs, Ministry of Local Government Administration, and the Association of Kosova Municipalities, setting in motion the establishment of Municipal Community Safety Councils in each municipality. The voluntary groups are nominated by fellow citizens and gather to identify and formulate action plans for addressing key security issues in their municipalities in accordance with Article 7 of the Law on Police. The Councils, which are comprised of local political leaders, law enforcement, and civil society representatives, will enable citizens and elected officials to

receiving country, based on the invitations of an international organization of which the Republic of Kosova is a member or has membership aspirations, or based on a UN Security Council Resolution.

¹⁰⁶ Assembly of Kosova. "Law No. 03/I-035: Police." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 28, 4 June 2008.

¹⁰⁷ See the Ministry of Internal Affairs website at <<http://www.mpb-ks.org/>>, accessed 29 May 2009.

¹⁰⁸ Constitution of Republic of Kosova. "Article 128." 4 June 2009. <<http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>>. See also Assembly of Kosova. "Article 10 of Law No. 03/I-035: Police." Official Gazette of the Republic of Kosova, Prishtina, year III, No. 28, 4 June 2008. Article 10 of Law No. 03/I-035 states that the general duties of the police, are: a) protection of life, safety and property of all individuals; b) protection of human rights and fundamental freedoms of all persons; c) prevention of danger to the public and maintenance of public order and safety; d) detection and prevention of criminal acts; e) investigation of criminal acts; f) provision of surveillance and traffic safety; g) provision of surveillance and control of the border; h) provision of assistance during natural disasters and other emergencies; and i) performance of other duties as assigned by the applicable law.

¹⁰⁹ EULEX Police Statistics Handout. This included 75 sergeants, 27 lieutenants, five captains, four majors, two lieutenant colonels, two colonels, and one departmental general director.

work together to improve life and security through more effective participation in municipal and central government decision-making processes. The Councils must ensure gender equality and have at least one representative from a women's organization.¹¹⁰ The council members are currently being selected, so whether they will meet these criteria remains to be seen. Some women's NGOs have reported belatedly learning that they were members of the councils, without being officially informed or invited to meetings. The Councils have the potential to enable women's participation in identifying local safety issues impacting women. However, the councils are new and the extent to which they will mainstream gender in their work remains to be seen.

2.10 Police Inspectorate

The Police Inspectorate of the Republic of Kosovo is an Executive Agency within the Ministry of Internal Affairs, independent from KP. It has the authority to conduct inspections of KP; report on the work and efficiency of KP in achieving its goals; investigate allegations of grave disciplinary violations of KP employees regardless of their position as well as all other violations against high executive positions; and recommend disciplinary measures to the Police Commission for Senior Appointments and Discipline, if necessary.¹¹¹ The inspectorate has only recently been established and the extent to which it will implement UNSCR 1325 remains to be seen.

2.11 Kosova Correctional Service

The Kosova Correctional Service (KCS) is also relatively new,¹¹² initially administered by the Penal Management Division of UNMIK (Pillar I, Department of Justice and Police). Between its establishment in 1999 and 2001 when KCS became fully operational, five detention centers, a correctional center, and a prison were created.¹¹³ A legal basis for the functioning of KCS has been created, which refers to the execution of penal sanctions and treatment of all convicted and detained persons. Since 2006, KCS has conducted its work from within the Ministry of Justice, and 2009 saw the appointment of the KCS Commissioner. As of June 2008, these institutions employed 1,538 staff members, only 17.04 percent of which were female (262).¹¹⁴ Most women in KCS are in administrative positions and none hold decision-making positions. All received basic training.

2.12 Kosova Customs

The UNMIK Customs Service was established in August 1999 within the EU Pillar to ensure the application of customs regulations and other applicable provisions for goods subject to customs supervision. On 12 December 2008, the UNMIK Customs Service was transformed into the Kosova Customs Service. The new customs code, approved on 11 November 2008 by the Assembly of Kosovo, enabled this transition. Like other customs services in the Western Balkans, it is prioritizing a European perspective so that it conforms to European

¹¹⁰ See Article 3.1 and Article 5.1.9, respectively.

¹¹¹ Assembly of Kosovo. "Law No. 03/I-036: Kosova Police Inspectorate." Official Gazette of the Republic of Kosovo, Prishtina, year III, No. 26, 2 June 2008. See also the Kosova Police Inspectorate website at <<http://www.ks-gov.net/ipk/>>, accessed 29 May 2009.

¹¹² One of the main goals of the EULEX Justice Component is to improve and empower the Kosova justice system to make it completely multiethnic, unbiased, non-politicized, and capable of holding just hearings according to international standards and European best practices. The Justice Component makes up around 10 percent of the overall EULEX personnel, or 300 persons with 70 persons employed in the prison system. There are more than 40 judges and approximately 20 prosecutors.

¹¹³ KCS works within the Ministry of Justice and administers Dubrava Prison, the Correctional Center in Lipjan, and Detention centers in Prizren, Prishtina, Gjilan, Peja, and Mitrovica. For more information, visit <<http://www.md-ks.org/?pagewww1,62>>. According to the European Commission's Kosova Progress Report for 2008, "In general, the correctional system in Kosovo is functional, but there are serious challenges as far as strategic planning and security standards are concerned."

¹¹⁴ Gashi, Rexhep. "Kosova Correctional Service and Structure of Convicted and Detained Persons at the Correctional Institutions," *Justice*, No. 1-2, Prishtina: 2008.

standards.¹¹⁵ The Customs Service has broad responsibilities, including protection of the country, economy, and citizens. The responsibilities of the Customs Service can be divided in two main categories: collection of custom duties and contribution to security. In regards to security, the Kosova Customs Service is tasked with decreasing illegal activities; securing the nation's borders; tackling border crime; curbing the trafficking of drugs; protecting the population and the environment; and preventing the illegal transport of weapons and explosives.¹¹⁶ These activities are supported by the EULEX Customs component.¹¹⁷

In its mission to tackle illegal trade and organized crime, the Customs Service has a responsibility to safeguard women's human rights, particularly in regards to the trafficking of women and children for financial, sexual, or other forms of exploitation.

2.13 Kosova Center for Public Safety Education and Development

The Kosova Center for Public Safety Education and Development (KCPSED)¹¹⁸ is an institution that offers technical, administrative, and educational support to all public safety agencies, including KP, Kosova Customs Service, the Emergency Management Department, and the Kosova Correctional Service. Members of agencies responsible for ensuring public safety receive an education that is vital to the establishment of a modern and sustainable national security system. Employees undergo professional development in line with accepted international practices to enable them to respond to threatening situations as they develop. The Center also works to prepare security agencies to contribute to the fight against organized crime, international terrorism, and other future problems.¹¹⁹

In accordance with UNSCR 1325, two to three hours of training are dedicated to gender equality and gender rights within broader training on human rights and freedoms. After personnel have completed the required courses, they are eligible to attend additional special training on gender rights. Lulzim Fushtica, KCPSED Director, explained:

Each program at the center is compatible with international conventions, and they are controlled by OSCE. Programs were developed by international experts who had knowledge on these issues. [A]ll programs are controlled by the legal office within the center, having in mind that if there is an incident where members of KPS or Customs are involved, the first step is to go to the school and see what they were taught. We have achieved a lot, but there is still a lot to be done.¹²⁰

KCPSED has started to cooperate with EULEX Department of Training and has established a sector of the center that deals only with gender equality. However, more could be done. "In my opinion the curricula should be reviewed and include an entire chapter on gender equality," said Behar Selimi, KP Deputy Commissioner. "Students should become aware of

¹¹⁵ European Commission. "Kosova Progress Report 2008." Brussels, 5 November 2008. p. 36.

¹¹⁶ See the Kosova Customs website at <<http://www.dogana-ks.org/?cidwww1,33>>, accessed 29 May 2009.

¹¹⁷ According to Paul Acda, the acting DSRSG, Head of the EU Pillar, EULEX Customs does have the ability to "execute legal executive responsibilities in mixed teams with internationals and Customs Service personnel" when deemed necessary. EULEX will cooperate with the programs of European community for customs (from Paul Acda <<http://www.eulex-kosova.eu/alb/index.php?idwww2>>).

¹¹⁸ With the entry into force of UNMIK Administrative Instruction No.2008/3 on 26 March 2008, the Kosova Center for Public Safety, Education and Development (KCPSED) functions as an executive agency of the Ministry of Internal Affairs. KCPSED was transformed in January 2006 from the Kosova Police Service School established in September 1999 by OSCE with the goal of creating a modern police force that will bring trust for law enforcers and effectively apply principles of conducting police duties in cooperation with the community.

¹¹⁹ Ministry of Internal Affairs. "Kosovo Centre for Public Security Education and Development." 5 June 2009. <<http://www.mpb-ks.org/?page=2,11>>.

¹²⁰ KWN interview with Lulzim Fushtica, KCPSED Director, February 2009.

gender equality before they start their duties, having in mind the satisfactory participation of women.”¹²¹

2.14 Kosova Institute for Public Administration

The Kosova Institute for Public Administration (KIPA) is an Executive Agency within the Ministry of Public Services. KIPA is the main institution responsible for the general training of civil servants in Kosova. As an institution of primary training, it coordinates training for civil servants with government institutions and municipalities. KIPA has developed a set of trainings on gender equality and held a training of trainers on Gender Equality. In cooperation with UNIFEM, different levels of civil servants have attended a series of trainings on the protection of women’s rights and gender equality. Toward implementing the National Action Plan for the Achievement of Gender Equality, KIPA organized several joint workshops on gender equality with UNIFEM. The development of modules for the training was financed by UNIFEM.¹²² Training on UNSCR 1325 and its relation to CEDAW, as well as its importance for the peace-building process in Kosova still needs to be included in KIPA’s training programs.

2.15 Kosova Judicial Institute

The Kosova Judicial Institute (KJI) was established as an independent professional body.¹²³ KJI works with Kosova’s Judicial and Prosecution Council to meet the needs of judges and prosecutors in Kosova, including providing professional training. Article 2 of the Law on the Establishment of the Kosova Judicial Institute outlines the legal responsibilities of KJI as the main institution responsible for:

- a) Training of office holders and potential office holders in the judiciary (judges and prosecutors),
- b) Assessment and organization of the preparatory exam for judges and prosecutors,
- c) Special training courses for the promotion of judges and prosecutors,
- d) Basic training courses for lay judges, and
- e) Training courses for other professionals in the judiciary as identified by the KJI.

The role of this Institute is very important for the promotion of UNSCR 1325, general human rights principles, and anti-discrimination. However, no training led by this Institute dealt with legislation related to UNSCR 1325 as of 2009.

2.16 Human Rights Units

On 21 July 2005, the Prime Minister of Kosova issued Decision No. 055, which obligates every Ministry to create a Human Rights Unit (HRU). HRUs are meant to serve as sustainable mechanisms for protection, promotion, and reporting on human rights. They monitor and report on the application of law and strategies approved by the Government and Assembly of Kosova, as well as international instruments that are part of the applicable law in Kosova. The Units are comprised of three to seven officials carrying functions that deal with different aspects of human rights.

¹²¹ KWN interview with Behar Selimi, KP Deputy Commissioner, January 2009.

¹²² Kosova Institute of Public Administration. “The Main Institute for Training and Developing Kosovo Public Administration.” 5 June 2009. <<http://www.ks.gov.net/ikap/Default.aspx?PIDwwwPartners&LIDwww1>>.

¹²³ See Regulation No. 2006/23 (24 April 2006) on promulgating the Law on the Establishment of the Kosova Judicial Institute approved by the Assembly of Kosova. Law of Assembly of Kosova No. 02/L-25 on the Establishment of Kosova Judicial Institute. See also, Kosova Judicial Institute. “Mid Year Report.” 2008. 5 June 2009. <<http://www.kjjudicial.org/repository/docs/Mid%20Year%20Report%202008.pdf>>. Gender participation in KJI training in 2007 was 878 males and 285 females. In 2008, it was 942 males and 332 females.

On 11 August 2005, the Prime Minister signed Administrative Instruction No. 8/2005 on the responsibilities of HRUs in Ministries of the Government. April 2007 saw the approval of Administrative Instruction No. 04/2007 on Human Rights Units in the Government of Kosova. HRUs were established to create a necessary mechanism for the protection, promotion and application of human rights at the central and local level. Their mandate includes promoting equal opportunities and monitoring legislation.¹²⁴ HRUs within the ministries act as supervisory bodies, monitoring ministries from the inside regarding the application of documents and laws on human rights that have been approved by the Government and Assembly of Kosova and that fall under the responsibilities and competencies of the respectful ministry.¹²⁵

2.17 Municipal Human Rights Units

Municipal Human Rights Units (MHRU) were established by Administrative Instruction No. 2008/02 and are responsible for undertaking all necessary measures relating to the protection and promotion of human rights at the municipal level. MHRUs have been placed in municipalities to ensure the monitoring of human rights at the local level. They supplement the human rights units at the ministerial level. HRUs in the ministries and municipalities have received training and organized informational sessions on the Anti-Discrimination Law, other laws related to gender equality (including LGE), and general principles of nondiscrimination. However, at the central and municipal levels, HRUs are performing below capacity. The training of staff is not being executed effectively and improved coordination is needed. Further, the mechanisms of monitoring have not yielded results.¹²⁶

2.18 Ombudsperson Institution

The Ombudsperson Institution was initially created by UNMIK Regulation No. 2000/38 on establishing the Ombudsperson Institution in Kosova (30 June 2000). The Regulation states that the mission of the Ombudsperson Institution is to support and protect individual rights and freedoms. It guarantees human rights and fundamental freedoms in Kosova, will be defended in accordance with the European Convention on Human Rights and its Protocols, and the International Convention on Civil and Political Rights.¹²⁷

In February 2006, the SRSG issued UNMIK Regulation No. 2006/6 on the Ombudsperson Institution to replace UNMIK Regulation No. 2000/38. Since the issuance of the new Regulation, there has been confusion regarding the competencies of the Institution to investigate complaints against UNMIK officials. UNMIK Regulation No. 2006/6 foresees a local Ombudsperson appointed by the Assembly of Kosova. Further, the UNMIK Advisory

¹²⁴ See Article 11.3 of the Administrative Instruction No. 04/2007 on Human Rights Units of the Government of Kosova. Officials within the Human Rights Units will cover the following area of human rights: equal opportunity (application of the Anti-Discrimination Law), gender equality (according to the Law on Gender Equality), children's rights, minority (community) rights, rights of people with disabilities, as well as combating trafficking.

¹²⁵ See Administrative Instruction No. 8/2005 on the "description of duties for the Human Rights Units in the Ministries of the Government of Kosova." Furthermore HRU will: develop and draft policies and guidelines in the area of respecting human rights within the respectful ministry; cooperate with the Ombudsperson Institution, as it will also monitor the execution of recommendations of the Ombudsperson addressed to the respectful Ministry; evaluate the application of human rights at the ministerial level; participate in drafting laws and other sub-legal acts; promote human rights; care for the application of laws approved by the Assembly of Kosova, which fall under the responsibility and competencies of the respectful ministries; actively participate in the work of different ministerial groups which act within the Government of Kosova; and advise decision-makers in the ministry on issues related to human rights.

¹²⁶ European Commission. "Kosova Progress Report 2008." p. 21.

¹²⁷ Article 1.1., UNMIK Regulation No. 2000/38 (30 June 2000) on the "Establishment of the Ombudsperson Institution in Kosova."

Council on Human Rights, established by UNMIK Regulation No. 2006/12, would have the mandate to treat violations of human rights committed by UNMIK personnel. However, at the end of 2007, UNMIK signaled to third parties that the Acting Ombudsperson had the competences of the international Ombudsperson according to UNMIK Regulation No. 2000/38 until the new Ombudsperson is appointed by the Assembly of Kosova.¹²⁸

When the Constitution of the Republic of Kosova entered into force, the Ombudsperson was brought to a constitutional level as an independent institution.¹²⁹ The Office of the Ombudsperson proposes and administers its budget in accordance with the law.¹³⁰ The Ombudsperson has the right to give recommendations or propose measures if he/she detects violation of human rights by public administration bodies and other state bodies.¹³¹ Issues of discrimination that are directly related to gender are treated by the Unit on Gender Equality within this institution.

The Center for Protection of Women and Children, a Kosovar NGO, filed a complaint related to UNMIK's poor implementation of policies against domestic violence. However, investigation of complaints against international agencies and institutions does not fall under the mandate of the Ombudsperson. Respondents commented on the frustration of women who were not able to file cases in regards to discriminatory practices at work, such as sexual harassment and unjust dismissal from employment by international agencies.

2.19 Advisory Panel on Human Rights

The Advisory Panel on Human Rights was established by UNMIK Regulation No. 2006/12,¹³² as an interim body during the mandate of UNMIK for reviewing alleged violations of human rights by UNMIK. The Advisory Panel reviews complaints made by any person or group of persons claiming violations of human rights by UNMIK, according to international instruments.¹³³ After the review of the complaint is completed, the Advisory Panel sends its conclusions and recommendations to the SRSG, which are advisory in nature. The Advisory Panel has competences throughout the territory of Kosova and in regards to alleged violations of human rights committed after 23 April 2005 or that result from facts presented before this date that continue to impact human rights violations.¹³⁴

The SRSG appoints members of the Advisory Panel following proposals made by the President of the European Court of Human Rights. The Advisory Panel on Human Rights

¹²⁸ Report of the Government of the Republic of Kosova on the application of the Convention on Economic, Social and Cultural Rights, for the Committee of Economic, Social and Cultural Rights in Geneva.

¹²⁹ Constitution of the Republic of Kosova. "Chapter XII: Independent Institutions, Article 132" 5 June 2009.

¹³⁰ Constitution of the Republic of Kosova. "Article 133: Office of Ombudsperson." 5 June 2009.

¹³¹ Constitution of the Republic of Kosova. "Article 135: Ombudsperson Reporting." 5 June 2009.

¹³² UNMIK Regulation No. 2006/12 (March 23, 2006) on establishing the Advisory Panel on Human Rights.

¹³³ See Article 1.2., UNMIK Regulation No. 2006/12, which states:

- a) Universal Declaration on Human Rights, date December 10, 1948; (b) European Convention on Protection of Human Rights and Freedoms, date November 4, 1950 together with its Protocols; (c) International Convention on Civil and Political Rights date, December 16, 1966 together with its Protocols; (d) International Convention on Economic, Social and Cultural Rights, date December 16, 1966; (e) Convention on Eliminating all Forms of Racial Discrimination, date December 21, 1965; (f) Convention on Eliminating all Forms of Discrimination against Women, date December 17, 1979; (g) Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, date December 17, 1984 and (h) Convention of Children's Rights, date December 20, 1989.

¹³⁴ See Article 2, UNMIK Regulation No. 2006/12.

was established to address the legal gap of the European Court on Human Rights and to review complaints related to human rights violations by UNMIK. Its inauguration occurred in November 2007 and the rules of procedure were approved in February 2008. In March 2008, the Panel launched an informational campaign to promote its mandate.¹³⁵ Since then, the Panel has reviewed several cases, some of which were referred to the SRSG in accordance with the provision of Regulation 2006/12.

2.20 Free Legal Aid

Free Legal Aid is the first institution in South East Europe for legal aid financed by the state. Free Legal Aid offers legal advice and information to persons who qualify for the program based on their financial situation, rights, and legal means. It includes free representation of parties in court and administrative bodies, as well as legal aid in drafting letters and requests. The Commission on Legal Aid was formed as an independent body that reports to the Assembly of Kosova.¹³⁶ This Commission will ensure legal aid for those who would be denied effective access to justice due to lack of funds.

Legal aid is effectively provided through three institutions: 1) the Commission on Legal Aid, which is tasked with monitoring the quality of legal aid provided 2) the Legal Aid Coordination Office, which governs the entire legal aid system and oversees the District Bureaus for Legal Aid; and 3) the District Bureaus for Legal Aid, which provides the actual legal aid to those who, owing to insufficient finances, have been excluded from the justice system.¹³⁷ “We also assist sensitive groups including members of minority communities, persons with disabilities, persons of old age, children, victims of domestic violence and trafficking, and many other categories of persons with special needs,” Drita Rexhepi, the Legal Aid Coordinator commented.¹³⁸ According to UNHCR, the free legal aid program has also notably improved the situation of people who face the risk of remaining without citizenship, enabling them to obtain personal documentation and thus possibilities to register and exercise their rights and obligations as inhabitants of Kosova. The program thus contributes to Article 8 of UNSCR 1325 in relation to the right to justice.

2.21 Summary

In conclusion, mechanisms toward the achievement of gender equality have been created at all levels of government, but their ability to mainstream gender in all decision-making processes and protect the human rights of women and men remains slow due to financial limitations and the lack of political will from officials in high decision-making positions. Respondents provided many examples of limited and unproductive intergovernmental dialogue, as well as a lack of political will at the national level for the inclusion of more women in decision-making. As Igballe Rogova, KWN Executive Director, commented, “There is no political will because we have ‘machos’ at the top, and they do not allow women to be close to decision-making positions.”¹³⁹ Further, in 2006 and 2007, decision-makers considered the future status of Kosova a priority. “Gender issues so far have been secondary issues for policymaking bodies in Kosova,” Nazlie Bala said, “There is no political will to implement, monitor, and report on gender rights.”¹⁴⁰ This illustrates the continued lack of awareness within most Kosovar institutions that UNSCR 1325 calls for gender to be considered as a cross-cutting theme in all peace-building and reconstruction processes.

¹³⁵ European Commission. “Kosova Progress Report 2008.” p. 16.

¹³⁶ UNMIK Regulation No. 2006/36 on Legal Aid.

¹³⁷ See UNMIK Regulation No. 2006/36 (7 June 2006) on “Legal Aid.” See Article 4.2: the Commission is comprised of one commissioner and eight deputies who are qualified professionals with knowledge on legal aid and the judicial system or who bring valuable knowledge or abilities from their regions. See also, European Commission. “Progress Report 2008.” p. 17.

¹³⁸ Rexhepi, Drita. “*Focus Kosova*.” 2008. p.12.

¹³⁹ KWN interview with Igballe Rogova, KWN Executive Director, February 2009.

¹⁴⁰ KWN interview Nazlie Bala, Program Manager for WSSI UNDP, February 2009.

While KIPA and KCPSED have contributed to progress through training on gender equality and human rights, more efforts are needed, particularly in relation to the new KSF.

3. Laws and Policies Empowering and Promoting Women's Rights in Kosova

The Republic of Kosova is in the process of building a new legal infrastructure in accordance with international and European standards on the protection and promotion of human rights.¹⁴¹ Several laws and policies have been approved toward the achievement of equality between men and women and the elimination of existing gender inequalities. However, as Enkelejda Olldashi has pointed out, "legislation, should not only offer equal rights (in the legal meaning of the concept), but also guarantee that basic rights are not violated."¹⁴² This section examines the legal climate in Kosova as it relates to UNSCR 1325.

3.1 Constitution of the Republic of Kosova

On April 9, the Assembly of Kosova adopted the Constitution of the Republic of Kosova. This was preceded by preparations of the working group on the Constitution, public hearings,¹⁴³ certification of the draft constitution by the ICR, and approval by the President of the Republic of Kosova. The Constitution entered into force on 15 June 2008.¹⁴⁴ The Constitution guarantees protection of human and women's rights according to international and European standards. Article 7.2 states, "The Republic of Kosova ensures gender equality as a basic value for democratic development of the society, equal possibilities for the participation of women and men in political, economic, social, cultural, and other areas of social life." The direct application of CEDAW is guaranteed within the Constitution, and in cases of conflict, it supersedes provisions of laws and other acts of public institutions.¹⁴⁵

¹⁴¹ After the Constitution entered into force, the applicable law in Kosova included: Regulations promulgated by the SRSG and additional instruments issued in accordance with them and the legislation applicable in Kosova on 22 March 1989. In case of conflicts, regulations and additional instruments issued in accordance with them have the advantage. See Article 1, UNMIK Regulation No. 1999/24 on Applicable Law in Kosova and Article 145, Constitution of the Republic of Kosova.

¹⁴² Olldashi, Enkelejda. "How to Achieve European Citizenship?" *Teuta Magazine*. Prishtina, September 2008, p. 8.

¹⁴³ On 25 February 2008 KWN and the National Democratic Institute organized a debate on the Constitution together with women assembly members from Kosova. One key issue discussed was the inclusion of the 40 percent quota of both genders in the Assembly and ministries. At a second discussion organized by KWN on 1 March between KWN members and members of the Constitutional commission (Nekibe Kelmendi, Vjosa Dobruna, Lirie Osmani, and Gyljeta Mushkolaj), participants discussed including UNSCR 1325 in the Constitution. Members of the Commission felt it was too ambitious and could not be implemented, but activists said it should be included in accordance with international standards. A letter later sent to the Commission by KWN recommended that UNSCR 1325 and the 40 percent quota be included. Other recommendations dealt with equal pay for equal work, property rights, and citizenship rights for women (KWN, *Kosovar Women's Voice*, Vol. VI, Iss. 2, April – June 2008, p. 2, at: <http://www.iiav.nl/eazines/email/KosovarWomenVoice/2008/No2.pdf>).

¹⁴⁴ European Commission. "Kosova Progress Report 2008." p. 5. The Constitution clearly confirms that the provisions of the "Comprehensive Proposal for the Kosova Status Settlement" have an advantage over all legal provisions in Kosova and in verifying that the Constitution is in accordance with all laws and other legal acts. The Constitution confirms that ICR is the final authority in Kosova as far as the interpretation of civilian aspects of the Comprehensive Proposal is concerned. The Constitution does not refer to the UN or UNMIK except in the context of it completing its mission.

¹⁴⁵ Article 22, Constitution of the Republic of Kosova, Chapter 2 of the Constitution of the Republic of Kosova on "Basic Human Rights and Freedoms" determines:

1. Human rights and fundamental freedoms are indivisible, inalienable and inviolable and are the basis of the legal order of the Republic of Kosova.

Even though UNSCR 1325 is not mentioned specifically, the Constitution promotes women's rights through the inclusion of CEDAW.

3.2 Law on Gender Equality

On 7 June 2004, the Law on Gender Equality (LGE) entered into force, through which equality between genders is protected, treated, and placed as a basic value of the democratic development of society in Kosovo, with equal opportunities for participation of women and men and their contribution to the development of political, economic, social, cultural, and other areas of social life.¹⁴⁶ Article 2.2 defines "equal gender treatment" as "the elimination of all direct and indirect forms of gender discrimination."¹⁴⁷ Equal participation of women and men, according to LGE, is reached in cases where the participation of both genders in an institution, body, or level of power is at least 40 percent. LGE makes the Assembly, Government, ministries, institutions, and civil society responsible for contributing to the achievement of gender equality.

3.3 Anti-Discrimination Law

The Anti-Discrimination Law (ADL) entered into force in September 2004.¹⁴⁸ It states, "The goal of this law is to prevent and fight discrimination, increase the level of effective equality, and realize the principle of equal treatment before the Law for the citizens of Kosovo."¹⁴⁹ ADL prohibits direct or indirect discrimination and it defines all forms of discrimination, including harassment, victimization, and segregation. Importantly, "the burden of proof falls on the accused party, which should prove that there were no violations of the principle of equal treatment."¹⁵⁰ The Government is obligated to offer information related to the Anti-Discrimination Law. Specific training has been held for judges and prosecutors on practical and consistent usage of ADL.

ADL is applicable in all actions or non-actions of physical and legal persons in the public and private sector, including public bodies which violate the rights of physical and legal person(s). Administrative Instruction No. 04/2006 on the Enforcement of the Anti-Discrimination Law was signed by the Prime Minister on 25 May 2006. The goal of this Administrative Instruction is to establish practical rules and structural and physical facilitations for the enforcement of the Anti-Discrimination Law as well as the promotion of equal treatment for all persons without direct or indirect discrimination based on gender, age, marital status, language, physical or mental disabilities, sexual orientation, nation, political belief or opinion, religion or belief, ethnic or social background, race, property, birth or other statuses of persons who claim that they are victims of discrimination as it is foreseen in Article 2 of the Anti-Discrimination Law.¹⁵¹

-
2. The Republic of Kosovo protects and guarantees human rights and fundamental freedoms as provided by this Constitution.
 3. Everyone must respect the human rights and fundamental freedoms of others.
 4. Fundamental rights and freedoms set forth in the Constitution are also valid for legal persons to the extent applicable.

¹⁴⁶ Law No. 2004/2 on Gender Equality, Official Gazette of the Provisional Institutions of Self-Governance in Kosovo, Prishtina, year II, No. 14, 1 July 2007.

¹⁴⁷ LGE, Article 3.

¹⁴⁸ Anti-Discrimination Law No. 2004/3, Official Gazette of the Provisional Institutions of Self-Governance in Kosovo, Prishtina, year II, No. 14, 1 July 2007.

¹⁴⁹ Brand, Marcus "The Development of Kosovo Institutions and the Transition of Authority from UNMIK to Local Self-Government," The Center for Applicable Science in International Negotiations (CASIN). Geneva: January 2003.

¹⁵⁰ See Article 8, Law No. 2004/3 Against Discrimination, Official Gazette of Provisional Institutions of Self-Governance in Kosovo, Prishtina, year II, No. 14, 1 July 2007.

¹⁵¹ See Article 1, Administrative Instruction No. 04/2006 on the application of the "Law against Discrimination."

On 11 October 2005, the Government of Kosova approved the Action Plan on the enforcement of the Anti-Discrimination Law,¹⁵² which “determines the parameters of activities limited in time, responsibilities of engaged operators/institutions as well as proposals on drafting a detailed description for financial needs on implementing the Plan from the Kosova Consolidated Budget and from donors.”

The Government of the Republic of Kosova in 2008, declared September the “Month against Discrimination in Kosova.”¹⁵³ With the motto “Everyone equal with no discrimination,” several activities were organized by OGG in cooperation with the Human Rights Units from the ministries as well as local and international partners. The aim was to promote institutional mechanisms at the central and local level, as well as raise awareness among the population regarding the Government’s commitments to ensuring protection and respect of human rights and freedoms for its citizens in accordance with international standards.

In 2008, the Office of the Prime Minister of Kosova initiated two studies to evaluate citizens’ perceptions of discrimination in the Republic of Kosova and civil servants’ perceptions of discrimination in the Public Administration.¹⁵⁴ The project was supported by OSCE. Also in 2008, OGG published a brochure summarizing anti-discrimination legislation in five local languages to inform the public and civil servants of the importance of applying the ADL.¹⁵⁵ Further, ADL and the Administrative Instruction for its enforcement were published in Braille.

3.4 Millennium Development Goals (MDG)

In its effort to achieve the Millennium Development Goals (MDGs),¹⁵⁶ the Assembly of the Republic of Kosova approved a resolution adopting the Millennium Declaration in its plenary session held on 17 October 2008.¹⁵⁷ The third of eight MDGs is the advancement of gender equality and empowerment of women. The Assembly requested that the Government of the Republic of Kosova create a global partnership and welcomed international support in mobilizing efforts and resources toward the achievement of the MDGs in Kosova by 2015. It encouraged the national and municipal authorities of the Republic of Kosova, international organizations, civil society, and the private sector to get involved in the process of achieving MDGs, as well as the monitoring and evaluation of progress toward fulfilling MDGs.

The Assembly is committed to approve the necessary legal framework to create policies required for enabling the inclusion and fulfillment of MDGs through a concrete national plan

¹⁵² Decision of the Government of Kosova No. 4/170, 11 October 2005.

¹⁵³ Government of the Republic of Kosova. Decision No. 05/34, 3 September 2008.

¹⁵⁴ Two separate resulting publications were published by OGG: “Citizens’ Perception of Discrimination in the Republic of Kosova (2007-2008) Volume 1,” and “Civil Servants’ Perception of Discrimination in the Public Administration of the Republic of Kosova (2007-2008) Volume 1.”

¹⁵⁵ See the Summary of the Law Against Discrimination and the Administrative Instruction on its application, OGG in the OPM, May 2008.

¹⁵⁶ From the UNDP website, <www.undp.org/mdg>. The MDG framework contains eight objectives, 18 goals and 48 indicators. Most of the goals should be reached within 25 years, starting from 1990 to 2015. Eight MDGs are as follows: Objective 1: Cut in half extreme poverty and famine; Objective 2: Include all children in elementary education; Objective 3: Advance gender equality and empower women; Objective 4: Decrease by two-thirds the mortality rate for children under the age of five; Objective 5: Decrease by three-fourths maternal mortality; Objective 6: Decrease the spread of HIV/AIDS, malaria, and other diseases; Objective 8: Create a global partnership for development with the goal of giving out assistance, developing trade and writing off debts. The first seven objectives underline the responsibility of developing countries to treat main development obstacles by seeking broader policy reform and improving governance. Objective eight places the responsibility on developed countries to write off part of the debt, to adjust assistance to the needs of the receiving country, and to offer developing countries better access to technology and markets.

¹⁵⁷ The Resolution is in accordance with the text of the UN General Assembly A/RES/55/2, approved on 8 September 2000.

on development, as well as to secure the appropriate mechanisms, necessary institutional capacities, and financial sources for facilitating the achievement of MDGs. The Assembly should also hold annual sessions to discuss progress on MDGs, based on a report prepared by the Government.

3.5 Kosova Program for Gender Equality (2008-2013)

On 28 April 2008, the Government of Kosova adopted the Program for Gender Equality (2008-2013) (KPGE).¹⁵⁸ Prior to KPGE, the National Action Plan for the Achievement of Gender Equality (NAP) was adopted in 2004. The prior plan introduced recommendations for addressing problems and specific issues related to gender disparity in Kosova. As a mechanism for gender equality, the NAP was designed according to the needs of Kosovar women to reflect local efforts to participate in international movements for the advancement of the status of women, as well as with an eye to introducing concrete steps that Kosova should take towards equality and development. The NAP is a concrete step towards effective gender mainstreaming and the incorporation of the provisions of UNSCR 1325 in action policy. The NAP specifically included representatives from civil society in its working group and was created with support from UNIFEM. It is explicitly based on CEDAW, the Beijing Declaration, and Platform for Action.

Another document derived from the NAP, called Strategic Objectives and Actions that Address Specific Critical Fields, focuses on healthcare, human rights, violence against women and children, education, politics, and culture. It defines the pledges made at all levels of government and by civil society groups in creating measures against discrimination and ensuring the rights of at risk groups. The same document defines a framework detailing government responsibilities and steps for coordinating and executing these measures. It is an important fact that NAP discusses the general context in Kosova by analyzing post-conflict changes and the consequences that were caused by these changes. NAP stressed that its purposes should be achieved through inter-departmental cooperation of non-governmental, national, and international institutions from 2003 to 2007.

The KPGE's objective is to improve the living conditions of women in Kosova by alleviating poverty and supporting a multi-ethnic state.¹⁵⁹ KPGE also introduces the strategic program of integrating gender equality in public policies and programs by focusing on six specific fields: (i) women's integration into the economy; (ii) women's integration into the labor market and social care; (iii) women in decision-making processes; (iv) healthcare, including women's and men's access to healthcare services; (v) education; and (vi) women's representation and contribution in culture and media. KPGE expresses targets based on the overall goals of European integration and the achievement of MDGs. The goals are: (a) to analyze the actual conditions of women and men in Kosova in the short- and mid-term and the impact this has on the struggle to alleviate poverty; (b) to identify action possibilities by including the policies and institutions supporting gender equality; (c) to identify areas of intervention and to recommend policies addressing problems rooted in poverty, as well as the country's economic and social development; and (d) to design a possible budget to guide the Government of Kosova in accomplishing these goals. KPGE should be considered in every office or institution, and this program should be incorporated into the established policies of all institutions.¹⁶⁰

¹⁵⁸ Kosova Program for Gender Equality (KPGE) 2008-2013. <<http://www.ks-gov.net/abgj/>>. It was adopted with Decision No. 07/17 on 24 April 2008.

¹⁵⁹ European Commission. "Kosova Progress Report 2008." p. 20.

¹⁶⁰ KWN interview with Shqipe Krasniqi, February 2009.

3.6 Human Rights Strategy and Action Plan in Kosova (2009-2011)

The Human Rights Strategy and Action Plan in the Republic of Kosova (2009-2011) was adopted by the Government of Kosova on 3 December 2008.¹⁶¹ The plan's design was a cooperative effort involving OGG, actors involved in human rights in Kosova, and international institutions within this field. The Human Rights Strategy and Action Plan offers the necessary steps that should be taken in order to improve the execution, promotion, and protection of human rights, as well as the distribution of knowledge about human rights in Kosova.¹⁶²

3.7 Summary

With regard to the establishment of a legal framework towards the achievement of gender equality and human rights, Kosova ranks first in the region. However, much work remains to implement these laws. "Women's rights in Kosova are recognized only on a legal basis. In practice they are not very well implemented and are still far from international standards," said Atifete Jahjaga. "[G]ender equality should not be considered women's problem only, but a problem of the whole society," she added. "Because only then and in this way will the barriers be broken and true equality be achieved."¹⁶³

Flora Macula agreed, "It is not enough to establish the laws and mechanisms. All these mechanisms must be functioning, recognized, and supported."¹⁶⁴ Susanne Backstedt added:

Execution of the laws means that people in the streets should know how to behave with each other as well. I would not like to talk only about the execution, but about developing civil society because only then will the laws be executed. When people in the streets know what UNSCR 1325 is, they will act according to the Resolution ... It is a hard topic to work on, because it is time-consuming to work on people's relations, to create a behavioral code, and I think that this is exactly what we should do together.¹⁶⁵

4. Actions on Behalf of Civil Society in Kosova to Implement UNSCR 1325

A distinctive aspect of Kosovar civil society is the leadership of women's organizations who have worked concertedly at the grassroots level and networked substantially into the civil service and central government processes to educate and support local women's participation. This section of the report focuses exclusively on women's organizations, although they comprise only one sector of the broader civil society in Kosova.

Most civil society representatives interviewed showed an understanding of the international legal framework for the achievement of gender equality, including UNSCR 1325, CEDAW, and the Beijing Platform for Action.¹⁶⁶ Within women's organizations these frameworks have particular resonance. As mentioned earlier, Kosovar women activists were centrally involved in drafting the National Action Plan for the Achievement of Gender Equality and in the KPGE for 2008-2013. However, the process built staunchly upon international legal tools for the

¹⁶¹ Kosova Government Decision No. 13/46, 3 December 2008 on adopting the Strategy and the Action Plan for Human Rights in the Republic of Kosova for 2009-2011.

¹⁶² Strategy and Action Plan for Human Rights in the Republic of Kosova, Prishtina, 2008.

¹⁶³ KWN interview with Atifete Jahjaga, Assistant to the Deputy Commissioner for Personnel and Training. Kosova Police, February 2009.

¹⁶⁴ Macula, Flora. "How to Change Women's Image." *Teuta Magazine*, Prishtina. December 2008. p.14.

¹⁶⁵ KWN interview with Susanne Backstedt, Gender Expert, EULEX, February 2009.

¹⁶⁶ KWN interviews, 2007.

advancement of women's human rights and upon pre-existing connections with transnational advocacy networks, some of which existed prior to 1999.

The capacity for local women's groups to meet and discuss proactively is a significant strength of this sector of Kosovar civil society, as evidenced in a roundtable meeting in July 2007 to discuss "lessons learnt from eight years of UNMIK" and to prepare the aforementioned recommendations for the incoming European Union Mission. The meeting gathered KWN members as well as representatives of international agencies and the government. The roundtable discussion was, in effect, a summary of the achievements and forward thinking of the women's organizations.

Among the most active promoters of UNSCR 1325 has been the Kosova Women's Network (KWN), founded in 2000 as an informal network of women's organizations from different regions of Kosova. Eventually, it evolved into a formal network that advocates on behalf of Kosovar women's rights at the local, regional, and international level. KWN is made up of 87 member organizations that represent all ethnic groups and various communities throughout Kosova. KWN's mission is to "support, protect and promote the rights and the interests of women and girls throughout Kosova, regardless of their political beliefs, religion, age, level of education, sexual orientation and ability. KWN fulfils its mission through the exchange of experience and information, partnership and networking, research, advocacy and service."¹⁶⁷ Its members are drawn from a wide range of social sectors, including education, economic development, psycho-social services, special needs, capacity-building, gender studies, research, groups working on gender-based violence, and legal advocacy.

As KWN Executive Director Igballe Rogova explained, UNSCR 1325 was eagerly taken up by women activists as a means for obligating hitherto reluctant international agencies to dialogue with women's groups in Kosova:

[In 1999] before I came to Kosova from being a refugee I was very excited because the UN was to administer Kosova. I had so many expectations. [I thought] they would respect women's rights and implement all the declarations, but ... when I came home from day one I realized they were completely ignoring the women's movement and women leaders in Kosova. We had women in politics, very powerful women, and women in civil society, very powerful women, they were all ignored, and I thought how can we really change that? So we tried. We organized meetings to advocate ... and just to say "listen to us." And then when the UN signed this Resolution, we had a friend in the Women's Commission for Refugee Women and Children ... We were telling the Women's Commission what was happening in Kosova, how they were ignoring women, and [she] said use this Resolution. So from day one in 2000 we started using the Resolution. We were writing letters to the UN, to UN New York even, saying you have to implement this Resolution.¹⁶⁸

Since 2000, Kosovar women's organizations have contributed to the implementation of UNSCR 1325 via various official and informal meetings, trainings, discussions in the media, demonstrations, projects, and local, regional, and international networking through which they lobbied to promote the execution of this Resolution. Women in civil society have played an important role in informing decision-makers about UNSCR 1325.

KWN has also reached beyond Kosova to assist women's organizations and countries in the region with their efforts to implement and monitor UNSCR 1325.¹⁶⁹ Among these efforts was KWN's involvement in the Women's Peace Coalition and the Regional Women's Lobby for

¹⁶⁷ See the KWN website at <<http://www.womensnetwork.org>>.

¹⁶⁸ KWN interview with Igballe Rogova, KWN Executive Director, July 2007.

¹⁶⁹ KWN interview with Flora Macula, July 2007.

Peace, Security, and Justice in Southeast Europe (RWL).¹⁷⁰ RWL was established in 2006 and is comprised of 27 women politicians and activists from seven South East European countries (Albania, Bosnia and Herzegovina, Croatia, Kosova, Macedonia, Montenegro, and Serbia). The Lobby aims to improve human security, promote women's rights, and improve women's participation in decision-making processes while dissolving ethnocentric barriers. The renewal of relations with women in Serbia via RWL and the Women's Peace Coalition has been a positive step towards the building of a cohesive society.

RWL, supported by UNIFEM, organized its first regional conference in Prishtina called "A Secure Future for Our Region: What Does It Take? Women Leader's Speak Out," on 27 October 2008. The conference resulted in a declaration adopted by RWL members, which was submitted to the UN Security Council in October 2008.¹⁷¹ Besides RWL members, President of the Republic of Kosova Fatmir Sejdiu, Minister of Internal Affairs Zenun Pajaziti, Minister of Justice Nekibe Kelmendi, Minister of Energy and Mining Justina Pula, EULEX, and Women in Black Serbia representatives spoke at the conference.¹⁷² In her speech, Igballe Rogova said:

Development and the reconstruction of peace, security, and reconciliation in particular cannot be bought. Donors cannot "buy" authentic reconciliation, and they cannot determine the timeframe for reconciliation. Reconciliation is a process that requires much time, patience, and trust towards building confidence among all parties involved. The Regional Women's Lobby is evidence of this process. We were not formed immediately and by donors' demands, but we developed organically over time. Firstly, we had to discuss our past and histories, to understand each others' attitudes and positions. Reconciliation will come when citizens have enough space to discuss their past, their pains, joys, hopes and futures. We cannot make citizens move forward if they are not ready, if they have not solved the issues of the past. Therefore, justice helps the reconciliation process. When people see that criminals are being tried and brought to justice through transparent processes, they will develop understanding and will have the chance to live their lives ... Only when justice is achieved via transparent methods and an open process can people build trust and walk towards a united future. Only then can we have peace and security in our region.¹⁷³

As a result of the conference, RWL members identified the following priorities:

- Fight organized crime, corruption, and violence in the region;
- Emphasize the importance that poverty has in contributing to the continuation of regional insecurity and instability; and
- Concentrate on transitional justice, including forums on true stories in regional reconciliation.

Some RWL members also participated in televised debates, and the Balkan Investigative Reporting Network (BIRN) prepared a documentary about RWL that was shown during the Conference. The documentary showed the work of RWL members to a broader public audience and illustrated women's role as politicians and their efforts to achieve lasting

¹⁷⁰ KWN. *Kosovar Women's Voice*. Vol. VI, Nr. 3, August – November 2008 and *Kosovar Women's Voice*. Vol. VI, Nr. 2, April – June 2008, both at <www.womensnetwork.org>. Edita Tahiri from Kosova was selected as the RWL Chair.

¹⁷¹ RWL. "A Secure Future for Our Region: What Does It Take? Women Leader's Speak Out." on 27 October 2008. <<http://www.rwlsee.org/report.pdf>> accessed 30 May 2009.

¹⁷² KWN. *Kosovar Women's Voice*. Vol. VI, Nr. 3. August – November 2008.

¹⁷³ Igballe Rogova, Speech at the RWL conference, 27 October 2008, Prishtina.

peace. Women exchanged anxieties and expressed similar issues that they faced regarding women's human rights, regardless of their political and social situation.

On 11 December 2008, the "Jeta në Kosovë" television program showed the documentary before a live audience comprised of 450 people and thousands of TV viewers. RTV 21 has also played an important role in raising awareness about UNSCR 1325 through the production of two documentary films and televised debates on UNSCR 1325.¹⁷⁴

Using UNSCR 1325, KWN member organizations liaise regularly with and lobby government offices at all levels, individually or under the KWN umbrella. Women's groups are the only sector in Kosovar society explicitly and constantly addressing UNSCR 1325 as an operative principle integrated into their work. For example, women activists used UNSCR 1325 to advocate for women's participation in negotiations over Kosova's final political status, and in 2007, KWN initiated a series of meetings with KFOR troops located in Kosova regarding how and why UNSCR 1325 is important for their mission.

Regardless of the fact that Kosovar women's NGOs have successfully put forward a series of important issues related to women and security, in general they have been defied by governmental institutions, and their influence in the security sector remains low.¹⁷⁵ The clearest example was the failure of both UNMIK and the Government of Kosova to involve women in the negotiations over Kosova's political status, despite women's intensive lobbying efforts. General lobbying to strengthen and advance the position of women in Kosova is still obstructed by insufficient cooperation among local and international institutions with women groups.

From the interviews it was clear that there is a frequent communication gap between most international administrators and women's groups.¹⁷⁶ Although on the surface there is usually an apparent willingness to consult and discuss, it has been hard won through the efforts of KWN in particular. Overall, international administrators have been slow to comprehensively ensure ongoing support for the initiatives taken by civil society groups to further women's equal access to development and human rights more broadly. Clearly this reflects the lack of direct accountability by international administrators to the Kosovar public and that the international legal principles of human rights, including gender equality, need considerably more than the current rhetorical support offered by the international community. Discussing the obstacles facing a comprehensive implementation of UNSCR 1325, the KWN Executive Director explained:

Lack of political will is the first obstacle and lack of knowledge is second. But lack of political will is number one... The Resolution strongly demands the inclusion of women in decision-making places, especially in peace negotiations. [But] all these leaders at the local and international levels don't want to give space to women ... because they think its men's duty to talk about peace, and the Resolution has so many articles that especially the UN in particular feels it is impossible to implement. Some countries who have signed the Resolution send military troops who then break the Resolution, for example, through their participation in trafficking. ... Our duty has been to inform the society that Resolution 1325 exists, whereas the monitoring of this

¹⁷⁴ KWN interview with Igballe Rogova, KWN Executive Director, February 2009.

¹⁷⁵ KGSC. *Monitoring Security in Kosovo from a Gender Perspective*. Prishtina: 2007. p. 7.

<[http://www.kgscenter.org/pdf/Monitoring%20Security%20in%20Kosovo%20from%20a%20gender%20Perspective%20\(english\).pdf](http://www.kgscenter.org/pdf/Monitoring%20Security%20in%20Kosovo%20from%20a%20gender%20Perspective%20(english).pdf)>, accessed 30 May 2009.

¹⁷⁶ KWN interviews.

Resolution in the Government should have been done by the Agency for Gender Equality and women in parliament.¹⁷⁷

“I think that civil society is working hard in this regard, and Kosova’s institutions need to become more aware in regards to UNSCR 1325,” said Behar Selimi. “Because this Resolution is not a declarative document, but has a mandatory character. I think that more should be done at the institutional level.”¹⁷⁸ Atifete Jahjaga added, “As a Kosovar citizen, I’m very pleased by the commitment and the results of civil society regarding the advocacy accomplished towards human and women’s rights by specifically stressing UNSCR 1325. Some things are missing, but something has started to move, and this shows promising initiative.”¹⁷⁹

While acknowledging the efficient work of grassroots organizations, Flora Macula suggested that they needed to undertake more activities to collect facts that would support their advocacy towards implementing specific areas of UNSCR 1325. She highlighted the need to build communication and advocacy capacities, as well as the organizational structure and performance of organizations, particularly those located outside Prishtina.¹⁸⁰ Virgjina Dumnica also pointed to the need for more women’s organizations dealing with gender equality to involve more men so they might become more powerful.¹⁸¹

Igballe Rogova acknowledged that more work was needed. “We have focused more on making the government and international community implement Resolution 1325, but we have done little to make people aware of this Resolution. In this regard, KWN carried out a campaign ‘Know Your Rights,’ but I think this was not enough,” she said.¹⁸²

¹⁷⁷ KWN interview with Igballe Rogova, KWN Executive Director, February 2009. The activities of women’s organizations have included assistance to victims of sexual violence committed during the war, domestic violence, and trafficking.

¹⁷⁸ KWN interview Behar Selimi, KP Deputy Commissioner, January 2009.

¹⁷⁹ KWN interview Atifete Jahjaga, KP Assistant to the Deputy Commissioner for Personnel and Training, January 2009.

¹⁸⁰ KWN interview with Flora Macula, Project Coordinator, UNIFEM, July 2007.

¹⁸¹ KWN interview with Virgjina Dumnica, National Program Analyst and Gender Focal Point, UNDP, August 2009.

¹⁸² KWN interview with Igballe Rogova, February 2009. On 19 June 2008, the UN Security Council unanimously adopted Resolution 1820 against Sexual Violence against Women, which condemns sexual violence against women in conflict. KWN sent a statement in support of the new resolution. See KWN. *Kosovar Women’s Voice*, Vol. VI, Nr. 2, April 2008 – June 2008.

III. OVERALL PROGRESS TOWARD IMPLEMENTING UNSCR 1325 IN KOSOVA

This section of the report summarizes the main findings in three areas defined by UNSCR 1325 as key areas of obligation:

- Ensuring a gender perspective at all levels of decision-making;
- Including a gender perspective in the training of police and military personnel; and
- Protecting and respecting the human rights of women and girls.

1. Ensuring a Gender Perspective at All Levels of Decision-Making

UNSCR 1325, Article 1, “*Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.” However, Kosovar women have seldom been involved in key decisions made at the national, regional, or international level to date.

Some Kosovar women feel that their role in decision-making processes has actually decreased since the pre-war period.¹⁸³ During the Rambouillet negotiations, Edita Tahiri was the only woman present.¹⁸⁴ “While playing our role in the process of the disintegration of Yugoslavia, while trying to realize our dream for the independence of Kosova ... I did not feel any gender discrimination, even though I was sitting in meetings only with men,” she recalled.¹⁸⁵ The post-war climate in Kosova was characterized by increased marginalization of women in all spheres and societal pressures to conform to more traditional roles. Tahiri continued, “After the war, it was liberation from this burden of occupation, men were aggressive, and women were marginalized, including me.”¹⁸⁶

As discussed in the prior section, Kosovar women activists and NGOs expected that the UN administration would actively support and cooperate with local women activists. However, optimism among women activists at the arrival of the international community in Kosova was quickly confronted by the lack of awareness, knowledge, and interest of senior international administration staff to support and practice gender mainstreaming. Not only was gender failing to be recognized in the highest levels of international decision-making processes, but also the staff willing to work on gender mainstreaming processes were not encouraged and thus failed to include gender-mainstreaming as a policy-making principle.¹⁸⁷ Activist Lumnije Deqani recalled:

When UNMIK came and employed women, employment was never based on a gender perspective but based only on if she was beautiful [and] knows a little bit of English. ... Where are the professionals? We had many women professionals. We have many educated generations, but UNMIK was never based on this.¹⁸⁸

¹⁸³ KWN interviews.

¹⁸⁴ The Rambouillet Agreement, drafted by NATO forces in March 1999, ending the war, referenced sex or gender only in *Chapter 2, 'Police and Civil Public Security', Article 1, General Principles*.

¹⁸⁵ KWN interview with Edita Tahiri, Leader of the Democratic Alliance political party, July 2007.

¹⁸⁶ *Ibid.*

¹⁸⁷ Kvinna till Kvinna. “Getting it Right? A Gender Approach to UNMIK Administration in Kosovo.” Stockholm, Sweden: the Kvinna till Kvinna Foundation, 2001.

¹⁸⁸ KWN interview with Lumnije Deqani, Executive Director of the Women’s Wellness Center, July 2007.

When the Secretary-General of the UN Security Council visited Prishtina and met representatives of women's NGOs, he welcomed the efforts by Kosovar women activists to promote inter-group reconciliation and cooperation. Nevertheless, for many women from civil society, "this diplomatic gesture didn't result in more qualitative participation of women in middle and high level positions in the peace-building process, then or now."¹⁸⁹

Discussing the lack of women's representation in the talks to determine Kosova's final status, Igballe Rogova commented:

There [is] this lack of political will ... In the beginning we tried first with letters, then we had a protest in the street ... it was minus 20 degrees and we had our outdoor protest with plays, with songs, with a big banner saying UNSCR 1325 gives us the right to be in the negotiation team. The banner stayed on the fence outside the parliament building for six or seven months. And that was the period when we started the Women's Peace Coalition with the Women in Black Network in Serbia. We decided to start this coalition because firstly, there were no women in the negotiation team; yes, they had one woman but she was not representing all women in Serbia, so they felt like they didn't have a woman there. So we both had protests at the same time, on the same day, at the same hour, in Prishtina and in Belgrade, and then we continued to work together. We thought if we, women, cannot be in the negotiation team, we can be an alternative voice, and we can bring women's perspective in negotiation talks. How? We wrote statements before they met there, in Vienna, and in every statement we mentioned UNSCR 1325 ... With the Women's Peace Coalition, we sent statements about what we felt about the status of Kosova, so we used the Resolution. I think this Resolution helped us to have a special meeting with the Special Envoy who was in charge of the negotiation process, Martti Ahtisaari, because he opened the door for us every time we requested a meeting. During 2006 we met four times with him, but officially we lacked that representation.¹⁹⁰

As the ultimate decision-maker in Kosova, UNMIK should have set an example for local institutions by implementing UNSCR 1325 throughout the final status negotiation process. Former SRSG Soren Jessen-Peterson showed limited effort in assisting Kosovar women by bringing OGA to the highest levels within UNMIK structures and giving them power to complete their job. However, Peterson lacked the political will to use his power to impact the composition of the negotiation team by including women in the negotiation processes.¹⁹¹ The creation of the Unity Team with political party leaders that won seats in the parliament, including chair of the parliament and Prime Minister, foresaw the inclusion of a representative from civil society. Choosing a man, Chief Editor of the paper *Zëri* Blerim Shala, to fill the civil society position is a clear example of the effective exclusion of women from political and civil society levels during the peace negotiations processes.¹⁹²

In general, most international offices and a plethora of positions with a "gender responsibility" were poorly managed with no well-defined plans of action or clear aims. The result has been the further marginalization of women and treatment of women's concerns as "soft issues" in comparison to greater political agendas and ambitions. Unclear mandates also contributed to "an atmosphere of competition and territoriality between the numerous players."¹⁹³

¹⁸⁹ Llamazares, Monica. "The Women of Kosovo: Missing Links in a Failing Post-War Peace-Building."

¹⁹⁰ KWN interview with Igballe Rogova, KWN Executive Director, July 2007.

¹⁹¹ KWN interview with Luljeta Vuniqi KGSC Executive Director, July 2007.

¹⁹² KWN interview with Igballe Rogova, KWN Executive Director, July 2007.

¹⁹³ *Ibid.*

Hereto, Luljeta Vuniqi, KGSC Executive Director, stressed that “there is little understanding on the importance of the work done by civil society and rare political will in building partnerships with women’s organizations to help facilitate women’s leadership and their entrance into decision-making roles.”¹⁹⁴ Activists felt that internationals came to Kosova with biased points of view.¹⁹⁵ Further, internationals tended to stay for only a short period of time, making it difficult to really learn about and understand the local history and culture. As most internationals failed to pass information on to incoming staff when they departed, there was a consistent lack of institutional memory as well as insufficient understanding of the complexity of gender relations in the context of Kosova.

Activists also believed that the male culture in key positions of UNMIK structures undermined the administration’s capacity to ensure the inclusion of women in decision-making. Since the inception of the mission, all seven SRSGs have been male, as have all Principal Deputy and Deputy SRSGs. Heads of Mission and Deputy Heads of Mission in the other UNMIK pillars have all been male with female Department Directors only occasionally appointed.

The UN agencies such as UNICEF, UNIFEM, UNFPA, UNHCR, and UNDP tended to have more women in key positions, but were excluded from UNMIK’s most senior level discussions and decision-making in the early post-conflict years. This has subsequently changed. These agencies have more consistent and concerted practices in line with women’s human rights and UNSCR 1325 provisions, despite generally not referencing the latter in internal operational policy. Indeed, Igballe Rogova points to the crucial support of UNIFEM in Kosova for the local women’s organizations: “They support local initiatives, and that’s why I admire ... the office in Prishtina.”¹⁹⁶

At the national level, the Law on Gender Equality (LGE) aims to establish equal representation of men and women at all levels of the executive, legislative, and judicial bodies, as well as public institutions and appointments in national and municipal government. According to the LGE, Section 3.2, “Equal gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of authority is 40%.”¹⁹⁷

A key step toward ensuring women’s representation in decision-making has been the establishment of a quota within the electoral law for a minimum of 30 percent participation of either gender in the municipal and national assemblies. However, according to most interviewees, the introduction of the quota system in 2001 has not brought about the expected results. As OSCE pointed out, “even when the quota of 40 percent is realized, women’s representation in senior management positions is not improved.”¹⁹⁸ Continued inequalities in decision-making processes was considered to have roots in political parties: “If political parties were more focused, if they would give priority to increasing women’s position within the party, we would definitely have more women in the negotiating process, more women ministers, and more women in the presidency and other institutions,” said Teuta Sahatçia, Leader of ORA political party.¹⁹⁹

¹⁹⁴ KWN interview with Luljeta Vuniqi KGSC Executive Director, July 2007.

¹⁹⁵ KWN interviews 2007, 2009.

¹⁹⁶ KWN interview with Igballe Rogova, KWN Executive Director, July 2007.

¹⁹⁷ Assembly of Kosova. “Law on Gender Equality, Article 3, paragraph 3.1.” 5 June 2009.

<http://www.assembly-kosova.org/common/docs/liqjet/2004_2_en.pdf>.

¹⁹⁸ OSCE Department of Human Rights & Rule Of Law. “*The Role and Functioning of the Municipal Officers for Gender Equality in Kosovo.*” 2006.

<http://www.osce.org/documents/mik/2006/11/22088_en.pdf>.

¹⁹⁹ KWN interview with Teuta Sahatçia, Leader of ORA political party, July 2007.

Bigger parties such as PDK and LDK do not have programs to implement UNSCR 1325 and show little initiative in enhancing women's participation in decision-making within the party. Women had virtually no role within most party presidencies and were often excluded from decision-making processes. "Men in the parliament still make decisions during their coffee breaks with their colleagues,"²⁰⁰ commented Flora Brovina, a woman MP. "We are marginalized ... not because we lack skills to face all the problems of Kosovar society, but because we are simply ignored by the male world." The feeling of being ignored was prevalent among women politicians. Even if the number of women MPs in the Kosova Parliament increased considerably, Brovina asked, "How can we raise our voice in the Parliament when we are discriminated against firstly in our parties? Nothing would change even if we increased the number of women in the parliament to 50 percent." While all political parties have women's forums, it seems their role is largely symbolic and does not have much influence over decisions made within the parties.²⁰¹

Political party financing of women candidates was also weak. "To be successfully elected within the party and to stand in the national elections women need resources and logistical support," Brovina said.²⁰² Without resources women cannot compete with their male counterparts. "Women in politics in this country do not have any money to run for a seat in the Parliament," Tahiri agreed.²⁰³ Currently, funding from the international community is distributed primarily among NGOs due to restrictions on financing political activities. Many women politicians felt international donors should assist financially women in politics as well.

However, some women activists and veteran politicians voiced concern that women elected to the government at any level tended to be relatively unprepared to represent the visions of women and work for change. Professor Edi Shukriu commented, "We as women have achieved 30 percent of the seats in the parliament, but it looks like a theatre; I would like to have women in parliament, but qualified women who are able to raise their voice in discontent. Unfortunately this is not the case now."²⁰⁴

Yet, some respondents felt that women in the parliament were not of a different quality than their male counterparts.²⁰⁵ Ariana Qosaj-Mustafa, a member of the KWN board, commented:

I disagree that elected men have shown something more than women MPs. But since women entered the Parliament due to quotas, they should feel obliged to be more active in promoting and raising the concerns of Kosovar women and be less loyal to the policies of the political parties to which they belong. It is a known fact that in times of social and economic crisis, women will bear the burden of taking care of the family, health, etc., when the state is not able to provide any assistance. Unfortunately, elected women who received seats thanks to the quota system continue to support "major" issues and disregard essential issues that women face in everyday life.²⁰⁶

Similarly, Virgjina Dumnica felt that women MPs had a responsibility to "cooperate with their male colleagues in order to educate them about gender issues, but they are not doing so." In

²⁰⁰ KWN interview with Flora Brovina, MP, July 2007.

²⁰¹ KWN interview with Lulzim Fushtica, Director, Kosova Center for Public Safety, Education, and Development, February 2009. Fushtica said that more needed to be done in this regard, since decisions usually are taken by party leaders.

²⁰² KWN interview with Flora Brovina. August 2007.

²⁰³ KWN interview with Edita Tahiri, July 2007.

²⁰⁴ KWN interview with Edi Shukriu, Professor at the University of Prishtina, July 2007.

²⁰⁵ KWN interviews, February 2009. When asked whether women in parliament are working toward the implementation of UNSCR 1325, Pauline Menthonex commented, "Maybe it would be good to know whether men are working towards the implementation of Resolution 1325."

²⁰⁶ KWN interview with Ariana Qosaj-Mustafa, gender expert, February 2009.

any case, like many respondents,²⁰⁷ Behar Selimi felt the quota was important and should remain in place, at least for the time being:

Quotas made possible the representation of women in the decision-making process. It may have damaged the quality or the qualitative representation of women, but this may be also a consequence of poor education, poverty, or lack of infrastructure. I think that the quota helps us a lot, until we are able to create such a mindset that would not require quotas for women's representation.²⁰⁸

Indeed, Igballe Rogova saw progress:

At the beginning when women started to become part of the parliament, we were considered as enemies. When we talked about gender equality they were telling us it is not a priority. But thanks to the work we did together with UNIFEM, after two years and a half, same women that were saying gender equality is not priority, were advocating for gender equality. ... At the beginning, quotas may have damaged the quality, but currently I see increased engagement of women, and I believe that women are more active than men. As an activist I am happy to hear women raise their voices inside the Parliament.²⁰⁹

An important development in this regard has been the renewal of efforts on behalf of the Women's Caucus, renamed the Women's Informal Group (WIG), which mobilizes women MPs from all political parties around common interests. WIG developed a strategic plan in February 2008, and its members have crossed party lines to undertake some joint advocacy initiatives. For example, in September 2009, women deputies walked out of the National Assembly after it failed to appoint any female ambassadors. While it has yet to pass, they have also lobbied for the new Labor Law to give women the right to longer maternity leave. In 2008, WIG also contracted RTV21 to run a year-long series of monthly debates where women deputies could make their positions on key issues known to the public.

Several respondents saw the campaign to change the electoral system into an open list system as a positive step toward increasing women's participation in the decision-making process. Supporters suggest that open lists push for both quality and quantity, as it will discourage and prevent corruption during candidate nominations: "[Political party leaders] appointed loyal people and tried to eliminate independent and visionary voices because they were afraid of potential rivals," Tahiri said.²¹⁰

Supporters of the open list system interviewed believe the driving force for local and national change lies at the grassroots level, as Kosovar institutions are still too conservative to accept change. The non-governmental sector is considered to have responsibility for changing the government via direct lobbying. The respondents voiced a generally positive outlook about the achievement of gender equality among citizens and believed society would ultimately accept women as state leaders.

Although the national structural mechanisms for achieving gender equality have been established, implementation remains slow due to financial constraints and seems mainly dependent on higher decision-making levels. Edita Tahiri stated that cultural activity is crucial for changing public attitudes towards women. She maintained that women's security and empowerment cannot be attained without having women in the highest decision-making positions to serve as role models for the society. "We should identify the top women and use

²⁰⁷ KWN interviews with Pauline Menthonex, Blerta Bejtullahu, and Igballe Rogova, 2009.

²⁰⁸ KWN interview with Behar Selimi, KP Deputy Commissioner, January 2009.

²⁰⁹ KWN interview with Igballe Rogova, February 2009.

²¹⁰ KWN interview with Edita Tahiri, Leader of ADK political party, July 2007.

them as a model for the rest, because if we want to encourage and empower women to enter into political and other aspects of life, to encourage them to lead, we should encourage first the leadership of women and identify such models,” she said.²¹¹

KWN undertook efforts to promote women leaders as well as to educate voters on the new election system in Kosovo in preparation for the November 2007 elections. KWN cooperated with OSCE, UNIFEM, and its member organizations throughout Kosovo to organize meetings with more than a thousand citizens.²¹² KWN has also supported the Women’s Caucus, identifying together the ways by which women in civil society can support women in politics to secure votes.²¹³

At the municipal level, equal gender participation in the civil service has not been achieved. Women tend to be employed within the municipal executive branches rather than elected to municipal legislative branches. The lack of women candidates for openings at the municipal level is another reason why equal participation in decision-making is not improving.²¹⁴

Although most Municipal Officers for Gender Equality (MOGE) have been trained, concerns remain. Regular AGE meetings have been reduced and are no longer held every month as required by law. MOGE have not been active in drafting their action plans. Therefore priorities and activity plans have not been established, which results in a lack of accountability of HRUs and MOGE at both the national and municipal levels. Further, there is a general lack of understanding regarding the role of MOGE and HRUs by high municipal managers in most municipalities. The positions do not have appropriate recruitment procedures and are tasked with many other tasks. In addition, HRUs and MOGE have been victims of financial restrictions in their respective municipalities.

Increasing women’s participation in governance and their active inclusion in the highest levels of decision-making was considered by respondents to be directly linked with a meaningful and just representation of women in the media. Flora Brovina commented:

Media are important instruments for the promotion of activities. We have a small number of women managing media. We watch men on TV all day long who ask their women colleagues to write something for them because they have a speech on TV. They present the women’s thoughts as their own. Also, the media present women very superficially and not when it comes to important things such as the negotiation process or economic development or “what does she think about culture.” She should always have her opinion, on all issues. Even if a woman is not a member of any political party she can be a citizen and have her own opinion.²¹⁵

²¹¹ KWN interview with Edita Tahiri, Leader of ADK political party, July 2007.

²¹² During meetings, KWN members provided information about the new open list electoral system and distributed a publication with information on women candidates, prepared by the Center for Training and Gender Studies. KWN representatives also took part in local media debates to explain the electoral system.

²¹³ KWN. *Kosovar Women’s Voice*. Vol. VI, Nr. 1. December 2007 – February 2008.

<http://www.womensnetwork.org/>. With support from the Balkan Trust for Democracy, KWN also monitored promises made by politicians and political parties in the media during the election campaigns. The monitoring exercise will inform future KWN efforts to assist citizens in holding elected officials accountable to promises made during electoral campaigns.

²¹⁴ OSCE Department for Human Rights and Rule of Law. “The Role and Functioning of the Municipal Officers for Gender Equality in Kosovo.” OSCE. 2006.

http://www.osce.org/documents/mik/2006/11/22088_en.pdf, accessed 30 May 2009.

²¹⁵ KWN interview with Flora Brovina, August 2007.

Aferdita Kelmendi, RTV21 CEO, maintains that there is a fundamentally different approach to gender by TV stations run by men than those run by women.²¹⁶ Vjosa Dobruna, Chair of the Board at RTK, commented that women are generally not satisfied with their presence in media, especially in RTK programs. Media, she said, are interested more in the presentation of political issues rather than social or gender issues. Many respondents commented that it was rare for women to be asked to appear on television or comment in the newspaper on daily problems of a political nature.²¹⁷

Kelmendi and Xheraldina Vula, as the leadership of RTV21, said there was a need for a gendered focus in television programs to educate and influence attitudes and gender stereotypes in society, as well as to ensure positive gender images and an equal presentation of men and women in the media.²¹⁸ The RTV21 initiative to produce a documentary film advocating and explaining UNSCR 1325 had an educational aim. "We did it in a purely educational way, not to educate only women activists but all women and to open a debate on how to educate the community and to ask what we can achieve with UNSCR 1325," they explained.

In conclusion, the fact that masculine culture both in international and local institutions has been resistant to women's participation presents among the biggest obstacles to implementing the Resolution.²¹⁹ From the beginning and in spite of their responsibilities under UNSCR 1325, UNMIK international administrators and the international military presence set a poor example by excluding women from high decision-making positions within their own missions, as well as by failing to consult regularly with women. Overall they have lacked direct accountability to the Kosovar public, undermining their declared efforts to build democracy in Kosovo. Rarely have gender equality and ensuring women's human rights been considered priorities.

Within Kosovar institutions, women remain under-represented in the Assembly, Government, and public administration. All are largely controlled by political parties where women lack decision-making power. The lack of representation impacts women's ability to influence the policy-making process and to ensure that their needs are met, including issues of poverty, the economy, education, and gender inequalities. Political parties need to be reformed from the inside to ensure more democratic participation of their members, particularly women.

2. Including a Gender Perspective in the Training of Police and Military Personnel

UNSCR 1325, Article 7, "**Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts," including training led by UN agencies like UNHCR and UNICEF. However, efforts toward ensuring training on gender equality for KFOR troops have been disappointing. The experience of activists in Kosovo suggests that gender training is more likely to be included in the education of forces from most Western and Northern European countries than by member states further afield. Swedish, Italian and German KFOR troops in particular have worked with women's organizations on the local problem of trafficking and forced prostitution after it was discovered that no training was provided on these subjects for the KFOR military. However, NGOs lacked the authority to set up such training without institutional support from UNMIK and KFOR command, which has rarely been forthcoming.

²¹⁶ KWN interview with Aferdita Kelmendi and Xheraldina Vula, RTV21, July 2007.

²¹⁷ KWN Interviews, 2007, 2009.

²¹⁸ KWN interview with Aferdita Kelmendi and Xheraldina Vula, July 2007.

²¹⁹ KWN interview with Behar Selimi, KP Deputy Commissioner, January 2009.

Prior KPC troops received gender training in a series of four two-day modules and then attended occasional courses once their classes were completed. KPC plans included the development of a “training of trainers” course in order to create internal capacities to support the continuation of such trainings. Now, as policies are put in place for the new KSF, it is of the utmost importance to ensure that KSF troops receive adequate training on gender equality and UNSCR 1325. Gender equity in recruiting new members must also be considered. To date, a “male-centric” culture among recruits was reported by respondents.

The Kosova Correctional Service (KCS) has taken some measures to implement UNSCR 1325 by organizing training for staff, including permanent basic training for correctional officers and more advanced training for managers. A survey of all staff was conducted on the quality of services to inform new policies and activities; to create internal gender trainers; to advance opportunities for women to apply for high positions in the KCS; to advance gender training for managers; and to prepare job descriptions for equal opportunity officers. Gender mainstreaming is required within the service, but it has yet to be assigned to any official as a specific task. At present, the KCS Deputy-Director is a focal point for gender issues.

As mentioned, the Kosova Police (KP) has been perhaps the most effective at integrating gender into its training program. UNIFEM has supported KP in designing training modules on Gender Equality and Women’s Human Security. Another important development has been the installation of 12 private interviewing rooms in police stations throughout Kosova, enabling women to report cases of violence or other violations of their rights with greater assurance of confidentiality.

Thus, slow but positive changes are taking place with regard to the inclusion of a gender perspective in the training of military and police as per UNSCR 1325, despite the conservative mindset and stereotypes that still exist when it comes to establishing a gender balance. Additional training is still needed, especially for the new KSF.

3. Protecting and Respecting the Human Rights of Women and Girls

Stability and maintenance of peace in post-conflict societies is connected directly with the attainment of human security. Moving beyond traditional notions of the militarily securing state borders, the concept of human security considers the economic, political, and physical security of a state’s citizens, including protection from domestic violence and trafficking. The concept of human security is captured within UNSCR 1325 on “Women, Peace and Security,” which encourages Member States to protect and respect the human rights of women and girls (Article 8). Further, UNSCR 1325, Article 10, “**Calls** on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.” This section considers issues related to the human rights of women and girls, including education, the economy, property rights, domestic violence, sexual harassment, and trafficking.

These rights have been enshrined by the existing legal framework in Kosova. Article 24 of the Constitution stipulates that equal legal protection shall not prevent the imposition of measures necessary to protect and advance the rights of individuals and groups who are in unequal positions.²²⁰ Further, the Anti-Discrimination Law (ADL) prohibits discrimination in

²²⁰ The Constitution of Republic of Kosova, Article 24 (“Equality before the Law”) states:

1. All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination.

all spheres of social life: education, social care, employment, shelter, personal safety, and access to public life. The Government is responsible for raising awareness about ADL, and the Ombudsperson Institution is authorized to receive and investigate complaints related to discrimination. Currently training is provided for judges, prosecutors, and civil servants on the practical use of the Law.

3.1 Education

Despite their rights guaranteed by law, women continue to lack equal access to education. Kosovar women are still three times more likely to be illiterate than men.²²¹ While girls and boys attend preschool, primary school, and lower secondary school at similar levels, more girls than boys tend to drop out after the first nine (previously eight) years of mandatory education.²²² Girls living in rural areas are the most at risk of discontinuing their education early.²²³ Roma, Ashkali, and Egyptian (RAE) children, particularly girls, also have a greater tendency to drop out. Issues preventing women from attending school include insufficient finances, a need to work, and the long distance to school.²²⁴ The insufficient number of schools creates further obstacles.

UNICEF has cooperated closely with the Ministry for Education, Science and Technology (MEST) to offer a Women's Literacy Program and to undertake efforts toward encouraging children, particularly girls and RAE, to return to school after discontinuing their education early. Media campaigns, debates, and other activities on how to decrease the number of girls dropping out early have also been organized. With support from UNICEF, MEST has included an optional "Life Skills" course in the eighth grade, which includes modules dealing with gender stereotypes, gender roles, trafficking, communications skills, and cooperation.

Still, fostering a more gender equal society through the curricula taught in schools remains a challenge. Schoolbooks tend to stereotype the social roles of women and men.²²⁵ "It would be good to introduce Resolution 1325 as part of the curricula, since occasional lectures are not enough," said Virgjina Dumnica, the gender focal point at UNDP. "It would be good to make gender part of curricula since gender roles are created first in the family, and if the family is not able to provide some other form of education, then we should teach students the proper way in school."²²⁶ Monitoring of teachers and their treatment of children of different genders is also important.²²⁷

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2. No one shall be discriminated against on grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.
 3. Principles of equal legal protection shall not prevent the imposition of measures necessary to protect and advance the rights of individuals and groups who are in unequal positions. Such measures shall be applied only until the purposes for which they are imposed have been fulfilled.

²²¹ Statistical Office of Kosova. "Women and Men in Kosovo." 2009. p. 4.

²²² Statistical Office of Kosova. "Kosova në shifra 2008 (Kosovo in figures)." Prishtina: SOK, April 2009, p. 14. See also MEST. "Indicators and Statistical Data in Education 2004/05, 05/06, 06/07." Prishtina: MEST, 2008. <[http://www.unicef.org/kosovo/Raporti_Statistikor_-_Anglisht\(per_WEB_29.01.2009\).pdf](http://www.unicef.org/kosovo/Raporti_Statistikor_-_Anglisht(per_WEB_29.01.2009).pdf)>. The percentage of girls and boys attending university, however, were similar.

²²³ *Ibid.*

²²⁴ KWN. "Security Begins at Home." p. 71. <<http://www.womensnetwork.org/>>.

²²⁵ KGSC. "Auditing of Gender Issues in the Education System." KGSC, 2007. <<http://www.kgscenter.org/pdf/auditing.pdf>>. KGSC undertook a gender audit of the education system to assess the performance of teachers and the quality of the curricula from a gender perspective.

²²⁶ KWN interview with Virgjina Dumnica, National Program Analyst, UNDP, February 2009.

²²⁷ KWN interview with Susanne Backstedt, Gender Expert, EULEX, February 2009. KGSC has undertaken such monitoring. See KGSC. "Auditing of Gender Issues in the Education System." 2007.

As part of the European Partnership Action Plan (EPAP) for 2008, the Government of Kosovo is responsible for “*Allocation of at least 5% of the national budget for education and improvement of literacy in women,*” but has yet to make such a commitment. Evidence exists that women with low levels of education tend to lack influence in decision-making, which can impact other areas of their lives.²²⁸ According to Shemsi Krasniqi, a sociologist, the education of women is essential for establishing gender equality. It will not only empower women, but their entire family and community as well.²²⁹ Despite some small steps, it is clear that more strategies are needed to promote the human rights of women in education.²³⁰

3.2 Women’s Economic Rights

For many women, relatively low levels of education complicate the opportunity to find employment.²³¹ Economic dependence also prevents women from being included in decision-making.²³² The importance of women’s economic security in Kosovo was not acknowledged during the final status negotiations or in everyday political processes, though stability depends on women’s security.

The rate of unemployment was 55.2 percent for women and 38.5 percent for men in 2007.²³³ Young, less educated women were among the worst affected by unemployment. Over 80 percent did not even participate in the labor force and were identified as “inactive persons”. An increasing number of people are classified as living in extreme poverty, with more than 15 percent of the population living on less than €0.93 per day.²³⁴ Women are employed primarily in the agricultural, wholesale/retail trade, education, health, and social work sectors.²³⁵ Data in Kosovo illustrates the feminization of poverty and an increase in the number of women categorized as poor; an estimation of poverty in Kosovo based on an evaluation of household budgets shows that families with female heads of households are poorer than families led by males.²³⁶ According to UNIFEM:

Household responsibilities, non-provision of childcare, unfavorable working conditions, under-recognized and undervalued employment activities, male priority hiring are barriers in realization of women’s economical aspirations. Kosovo’s socio-economic situation is further exasperated by the slow economic development, drastic economic reforms and privatization of socially owned enterprises.²³⁷

²²⁸ KWN. “Security Begins at Home.” p. 71. <<http://www.womensnetwork.org/>>.

²²⁹ Shemsi Krasniqi, quoted by Besa Bytyqi, “Educated woman, is a guarantee for empowerment,” *Teuta Magazine*, September 2008, pg. 12.

²³⁰ EPAP, priority 39.5.

²³¹ Statistical Office of Kosovo. “2004 Labour Market Statistics,” p. 26. The higher level of education people complete, the better chance they have of securing employment.

²³² KWN, “Security Begins at Home.” <<http://www.womensnetwork.org/>>. Also KWN interview with Cyme Mahmutaj, July 2007.

²³³ Statistical Office of Kosovo. “Series 5: Social Statistics: Labour Market Statistics 2007.” Prishtina: SOK, August 2008.

²³⁴ International Federation of the Red Cross. “Montenegro, Serbia and Kosovo: Kosovo Programme and Budget.” 2007. <<http://www.ifrc.org/docs/appeals/annual06/MAACS00105.pdf>>.

²³⁵ Statistical Office of Kosovo. “Series 5: Social Statistics: Labour Market Statistics 2007.” Prishtina: SOK, August 2008.

²³⁶ World Bank. “Kosovo Poverty Assessment.” 2005. p. 61. <http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_fi nal-16June2005.pdf>. The poverty incidence is estimated to be higher by four percent for female compared to male headed households.

²³⁷ UNIFEM. “Women at Work: The Economic Situation and Opportunities for Women in Kosovo.” Kosovo: UNIFEM, September 2000.

Failed attempts to incorporate women's perspectives in the economic strategy of the Government have a considerable influence on the achievement of security for women and girls. Macro-economic strategies have so far disregarded any important gender specific concerns, signaling a disinterest in women's rights. The impact of economic insecurity is evident in many spheres of life, such as employment, marriage, inheritance, obtaining loans, and education. Promotion of equal opportunities for everyone is essential through consideration of political, economic, social, cultural, demographic, institutional, environmental, and religious factors. To be effective, macro-economic strategies should fundamentally address economic insecurity with the creation of specific programs and more in-depth budget analysis. As Flora Brovina commented, "When we talk about women's empowerment, let's say women's economic empowerment, there should be special programs for this disadvantaged group to come and to be equal."²³⁸

Unemployment contributes to a lack of financial independence. Further, a lack of economic independence can impact women's right to access healthcare.²³⁹ As Visare Mujku-Nimani from UNFPA commented:

[Unemployed women] do not have pocket money, for example, to come to Prishtina for a medical checkup. In order to do so, a woman must request money from her husband, ask permission to leave the house, and have somebody accompany her for a very simple examination. I think this is a result of economic shortages, a lack of education, and lack of understanding within the family hierarchy.²⁴⁰

According to Ariana Qosaj-Mustafa:

Awareness, education, and preventive campaigns are not sufficient. More work needs to be done to strengthen law enforcement mechanisms and to increase economic opportunities. If educational initiatives are not followed by more jobs and an increase in opportunities for vocational engagement, the long term result will not be greater gender equality in rural areas. By vocational engagement we don't mean providing courses on hairdressing for women and girls in rural areas, but providing other training as well and continuous formal and informal education toward their employment. Empowerment would include opportunities to choose education and employment.²⁴¹

Countries where gender equality does not exist face slower economic development and obstacles to the reduction of poverty. In countries where gender balance is at a more satisfactory level, this is not the case.²⁴² Improving the economic situation of women can dually support efforts toward the achievement of MDGs and improve Kosova's GDP.

3.3 Private Property

Traditionally Kosovar men own private property. The Ministry of Trade and Industry in 2004 showed that of 500 Small and Medium-sized Enterprises (SMEs) registered, 98 percent were owned by men and only two percent by women. In 2007, less than eight percent of household titles were registered in the names of women.²⁴³ In cases of divorce, women often lose common property assets.²⁴⁴ However, in accordance with the Family Law,

²³⁸ KWN interview with Flora Brovina, August 2007.

²³⁹ KWN. "Exploratory Research" <<http://www.womensnetwork.org/>>. See also KWN. "Security Begins at Home." <<http://www.womensnetwork.org/>>.

²⁴⁰ KWN interview with Visare Mujku-Nimani, National Program Officer, UNFPA, February 2009.

²⁴¹ KWN interview with Ariana Qosaj-Mustafa, February 2009.

²⁴² World Bank. "Development and Gender Awareness and Gender Rights on Resources".

²⁴³ Statistical Office of Kosova. "Women and Men in Kosovo." 2009.

²⁴⁴ KWN interviews.

spouses possess equal ownership,²⁴⁵ as well as rights to decide jointly over the management of the household economy²⁴⁶ and common wealth.²⁴⁷ LGE reaffirms that property created via marriage is “common property in the name of both partners” that is administered jointly. In cases of divorce, common property is equally divided.²⁴⁸ Inheritors, both females and males, can obtain and renounce their shares of inherited property after it is registered.²⁴⁹ Although the Law gives women the right to own property, receive rent, and inherit property, this is not foreseen by customary law. Thus, women often abandon their property and endanger their economic future.²⁵⁰

Without a certificate of possession, it is very difficult for women to prove that they own property and to obtain bank loans for their private businesses.²⁵¹ Lack of collateral, low levels of education, and a lack of entrepreneurial experience prevent women from entering the market, especially in rural areas.²⁵²

3.4 Privatization

Privatization is a key instrument in transitional market economies. In war destroyed Kosova, privatization was one of the fundamental needs for market economy development. However, it remains a very complicated process, due in part to the fact that property ownership cannot be easily determined. On 13 June 2002, the Kosova Trust Agency (KTA) was established to administer and restructure Publicly Owned Enterprises (POE) and to privatize Socially Owned Enterprises (SOE).

For almost three years, the international administration, Pillar IV, and the Department of Trade and Industry within UNMIK tried to establish a legal basis for transforming socially owned property. This process progressed slowly and was accompanied by reluctance, a lack of clarity, and politics. After a long process of consultations and preparations by internationals, but with insufficient involvement of Kosovars, the Kosova PISG was presented with a Regulation on the Kosova Trust Agency, which would lead the privatization process for the coming years.²⁵³

According to Muhamet Mustafa, head of RIINVEST, an organization researching economic issues, the privatization process should have involved other structures in addition to KTA. “Regardless of how ambitious KTA may be, it cannot supervise alone the process of privatization in Kosova,” he wrote. “Privatization is closely linked to the social matrix of the society and for this reason other local factors should be involved in the process.”²⁵⁴

The Kosova Property Agency²⁵⁵ (KPA) was established in 2006 as an administrative agency that would operate as an independent organ in order to provide solutions for requests related

²⁴⁵ Article 42, (“Matrimonial Cohabitation”) UNMIK Regulation 2006/7, 16 February 2006, on the “Promulgation of the Family Law adopted by the Assembly of Kosovo.” Kosova Assembly Law No. 2004/32 on Family.

²⁴⁶ Article 44, “Residence, Maintenance and Occupation”, Law on Family.

²⁴⁷ Article 49, Law on Family.

²⁴⁸ Assembly of Kosova. “Law for Gender Equality: Article 15.” 2004. <http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf>.

²⁴⁹ *Ibid.*

²⁵⁰ European Commission. “Kosovo Progress Report 2005.” pg. 21.

²⁵¹ KWN interviews with activists assisting women, 2009.

²⁵² *Ibid.*

²⁵³ Mustafa, Muhamet. “Privatization in Kosova: Progress and Setbacks.” Prishtina.

²⁵⁴ *Ibid.*

²⁵⁵ Kosova Property Agency. “About KPA.” <<http://www.kpaonline.org/sq/default.asp>>, accessed 30 May 2009.

to real estate, including agricultural and commercial property, without referring such requests to courts that would have territorial and thematic jurisdiction.²⁵⁶

Not a single woman sat on the KTA or KPA management boards, in spite of the quota set forth by the Law on Gender Equality.²⁵⁷ Only two of the 150 (primarily privatized) SOEs in Prishtina had women as managing directors.²⁵⁸ Without strong labor unions to represent women and given the persistence of patriarchal attitudes that favor employment of men as the family provider, women workers in SOEs have been among the first to lose their jobs.²⁵⁹

3.5 Domestic Violence

Domestic violence, a form of gender-based violence, constitutes a severe violation of human rights and is therefore in violation of UNSCR 1325, Article 8. Further evidence exists that domestic violence can impact women's psychological and physical health.²⁶⁰ The precise extent of domestic violence is difficult to measure anywhere in the world due to underreporting. In Kosova, a belief that violence should be resolved within the family, embarrassment or shame, and doubt that reporting would make any difference are three of the most common reasons for not reporting domestic violence.²⁶¹ In 2008, it was found that approximately 43 percent of all respondents had experienced some form of domestic violence in their lifetimes.²⁶² More women than men suffer domestic violence,²⁶³ a fact that police statistics confirm.²⁶⁴ As a police officer from a Domestic Violence Unit told KWN, "We separate cases according to gender, but always the biggest number of cases are female."²⁶⁵ Citizens have attributed domestic violence in Kosova to the poor economic situation, high unemployment, alcohol, trauma from the war, and a lack of education.²⁶⁶

A key development in the area of domestic violence was the decision for AGE to contract KWN to carry out the first ever Kosova-wide household survey on domestic violence, as well as additional research to inform new legislation in this area.²⁶⁷ The resulting report, *Security*

²⁵⁶ See UNMIK Regulation 2006/10 (4 March 2006) on "Settlement of requests related to private immovable property, including agriculture and commercial property," which establishes the Kosova Property Agency, as an administrative agency that will function as an independent body, and will aim to effectively and rapidly settle claims on immovable private property, including agriculture and commercial property. Realizing the need to amend the Law to make it compliant with the Constitution and other relevant instruments, the Assembly adopted Law No. 03/L-079 on amending the 2006/5 UNMIK Regulation on settling claims related to private immovable property, including agricultural and commercial property.

²⁵⁷ Women's Business Organization SHE-ERA. *An Analysis of the Position of Women in the Privatization Process of Socially Owned Enterprises in Kosovo*. Prishtina: SHE-ERA, 2009.

²⁵⁸ *Ibid.*

²⁵⁹ Jashari, Ardian. "Current Situation: Poverty in Kosova." 2003.

<http://www.kan-ks.org/lexo_lajmet.php?idwww108&kategoriawww136&gjuhawwwshqip>.

²⁶⁰ For more information about how domestic violence has impacted women's health in Kosova, see KWN's "Exploratory Research on the Extent of Gender-Based Violence in Kosova and Its Impact on Women's Reproductive Health," Prishtina: KWN, March 2008.

²⁶¹ KWN. "Security Begins at Home." Prishtina: AGE, 2008. <www.womensnetwork.org>, p. 62.

²⁶² *Ibid.*

²⁶³ *Ibid.* From all of the women surveyed, 46.4 percent had experienced some form of violence compared to 39.6 percent of all men.

²⁶⁴ KWN. "Exploratory Research." p. 19. Approximately 92 percent of perpetrators of cases reported to police are men.

²⁶⁵ *Ibid.* All institutions dealing with domestic violence cases collected statistics. However, no institution at the national level was responsible for collecting and analyzing information from all institutions. There was a need for improved data processing systems and enhanced expertise.

²⁶⁶ KWN. "Security Begins at Home." p. 63.

²⁶⁷ KWN used a mixed methodology that involved collection of existing statistical data from relevant institutions, a review of current legislation, an assessment of available social services, a Kosova-wide

Begins at Home (2008), contains specific recommendations for the new Law against Domestic Violence that is to replace the UNMIK Regulation, as well as the Strategy and National Action Plan against Domestic Violence. The report contains new findings about citizens' perceptions as well as an analysis of institutional response to protecting victims, prosecuting perpetrators, and preventing future domestic violence. Based on the report's findings and recommendations, a Working Group led by AGE with participation from KWN, women's shelters, and relevant institutions started drafting the new Law in 2008.

The Kosova Police has a special Unit against Domestic Violence,²⁶⁸ which continues to function in accordance with UNMIK Regulation 2003/12 on Protection against Domestic Violence. The Law foresees issuance of three types of protection orders.²⁶⁹ However, there continue to be delays within the court system in handing down decisions within the legally required timeframe.²⁷⁰ Increasing women's involvement in the police force is considered an important step in efficiently investigating domestic violence, trafficking, and other forms of gender-based violence. Despite positive developments in law and policing, Kosova courts are failing to ensure adequate implementation of the Regulation.²⁷¹ The lack of access to justice due to delayed procedures is among the largest obstacles to women's human rights, as it places women in grave danger of repeat violence.²⁷²

Victims of domestic violence are referred by Kosova Police officers or Centers for Social Welfare,²⁷³ which exist in the municipalities, to non-governmental shelters. The Department of Social Welfare within MLSW works with shelters for the rehabilitation of domestic violence

survey of 1,256 men and women of all ages (over 18), and ethnic groups, and interviews with representatives of Kosovar institutions, relevant organizations, and experts.

²⁶⁸ The domestic violence unit exists at three levels. First, at the municipal level, all stations have two trained, primary investigators focused on domestic violence cases. Second, at the regional level, two investigators trained on domestic violence coordinate with police in their region and with other organizations dealing with domestic violence. Third, at the national level two police officers assigned to work on domestic violence cases are in the Directorate of Serious Crimes; the latter manage and supervise the work of domestic violence officers in stations and regions. They operate according to UNMIK Regulation 2003/12 for Protection against Domestic Violence, Provisional Criminal Code of Kosova (PCCK), and Principle 6.18 Domestic Violence in the KPS Regulation.

²⁶⁹ Kajtazi, Besim M. "Know Your Rights." Group for Analysis and Study of Gender Equality (GASGE). Prishtina, 2005. Protection orders with some or all of the foreseen measures provided in Regulation 2003/12 for Protection against Domestic Violence can be determined by court session in maximum duration of 12 months and shall be issued within 15 days from the receipt of the request. A woman may request the extension of a protection order after this prescribed period if circumstances that jeopardize her wellbeing are still present. Emergency Protection Orders can be issued by the court within 24 hours if there is an immanent danger. Temporary Emergency Protection orders are issued by the KP commander or acting commander of the regional police unit for domestic violence if the order is issued after working hours of the court. This order is foreseen usually for emergencies that occur during weekends or official holidays. See also, Government of Republic of Kosova. "Annual Report 2008 of the Government of the Republic of Kosova". 2008. In 2008, the Ministry of Justice allotted 96 Protection Orders, 26 of which were Emergency Protection Orders.

²⁷⁰ Ombudsperson Institution. "Eighth Annual Report: 2007-2008." 21 July 2009, p. 63-4. <<http://www.ombudspersonkosovo.org/?cid=2,74>>, accessed 17 May 2009.

²⁷¹ The Law on Family prohibits violence in the family. UNMIK Regulation 2003/25 on Promulgation of the Provisional Criminal Code, adopted by the Kosova Assembly covers "Criminal acts against the body and life" including rape, sexual attack; Regulation 2003/12 foresees three types of protective orders, including one in relation to domestic violence.

²⁷² KWN. "Security Begins at Home." <<http://www.womensnetwork.org/>>. The Legal Aid Coordination Office and the Victims' Advocacy and Assistance Division (VAAD) within the Ministry of Justice are both offering free legal aid to women in need, particularly those without economic means.

²⁷³ In order to train social service officers working in the Centers for Social Welfare, a manual was prepared and several trainings held throughout Kosova toward its practical implementation (OSCE and MLSW, *Responding to Incidents of Domestic Violence: Manual for Social Services Officers*. Prishtina: January 2006).

victims. The Ministry signs annual contracts with these shelters to cover 50 percent of their annual costs.²⁷⁴ However, the Ministry does not cover key budget lines like rent, utilities, and the salaries of caretakers,²⁷⁵ and the shelters continue to struggle financially.

In order to lobby for greater financial support, among other issues, the seven shelters and other women's NGOs assisting domestic violence survivors formed the Kosova Coalition against Family and Sexual Violence in fall 2007. With support from UNFPA and KWN, the Coalition met in Durres, Albanian in November 2008 to discuss strategies and its future structure. The Coalition's strategic goals for 2009 are to decrease the number of cases of family and sexual violence by supporting gender equality programs and advocating for gender issues; increase awareness; complete the legal framework; strengthen capacities; and empower the Coalition.²⁷⁶

An infrequently discussed form of domestic violence is selective abortion or "sex selection." Few accurate statistics regarding abortion in Kosova exist because the numerous abortions performed at private clinics are rarely reported. However, qualitative research has found that sex selection exists in Kosova.²⁷⁷ The sex ratio, with 109 boys born for every 100 girls in the last four years, is another indicator of sex selection practices.²⁷⁸ Doctors believe that a considerable number of abortions are related to the gender of the newborn.²⁷⁹

Women's organizations have undertaken a number of awareness-raising efforts in order to encourage people to report domestic violence and to seek help, as well as to prevent future violence by involving men. The campaign "16 Days of Activism against Violence," starting on 25 November, the International Day against Violence against Women, and ending on 10 December, the International Day for Human Rights, has become an annual tradition in Kosova. A key message is that human rights cannot be realized if gender-based violence continues. When the campaign was launched for the first time in 2000, speaking openly about domestic violence was very much a taboo. However the numerous annual campaigns since then have contributed to changes in attitudes towards violence against women and children,²⁸⁰ and the number of cases reported has increased.²⁸¹ This does not necessarily mean that violence has increased, but that people have started reporting it more.²⁸² Still, evidence from qualitative research suggests that many cases of domestic violence and rape still go unreported.²⁸³ The need for ongoing awareness-raising efforts, improved access to justice in a timely manner, and improved rehabilitation programs continue to exist.

3.5 Trafficking

Gender-based violence is also evident in the trafficking of women and girls for sexual misuse and profit. Kosova remains a source, transit country and destination for trafficked women

²⁷⁴ In 2007, KWN with support from UNFPA offered direct support to shelters, as well as helped establish shared procedures, standards, and a database for shelters to manage cases. See KWN. "Kosovar Women's Voice." Vol. V, Nr. 4, September – November 2007.

²⁷⁵ For more information see KWN, "Security Begins at Home." <<http://www.womensnetwork.org/>>.

²⁷⁶ KWN. "Kosovar Women's Voice." Vol. VI, Nr. 3, August 2008 – November 2008. The shelters include the Women's Wellness Center (Peja), Center for Protection of Women and Children (Prishtina and Mitrovica), Liria (Gjilan), Hope and Homes for Children (Prishtina) and Safe House (Gjakova).

²⁷⁷ KWN. "Security Begins at Home." See also KWN. "Exploratory Research."

²⁷⁸ Statistical Office of Kosova. "Women and Men in Kosovo." Prishtina: SOK, 2009.

²⁷⁹ KPGE.

²⁸⁰ Women's shelters, for example, organize awareness-raising campaigns in their municipalities every year.

²⁸¹ OSCE Press Release. "Protection Measures Help Combat Domestic Violence in Kosovo, OSCE Mission Says." 26 July 2007. <<http://www.osce.org/item/25770.html>>, accessed 31 May 2009.

²⁸² KWN, "Exploratory Research."

²⁸³ *Ibid.* See also KWN. "Security Begins at Home."

and children for sex and forced labor.²⁸⁴ Since the arrival of KFOR and UNMIK in 1999, women, mostly from Moldova, Bulgaria, and Ukraine were trafficked in Kosova. Although the number of international women trafficked into Kosova seems to be decreasing, the internal trafficking of Kosovar youths, particularly girls from poor families, appears to be increasing.²⁸⁵

The UNMIK Regulation on the Prohibition of Trafficking in Persons in Kosova that prohibits human trafficking was promulgated in 2001.²⁸⁶ Then, a special chapter to fight trafficking was adopted in the Criminal Code and Criminal Procedure Code in 2003, though the European Commission has argued that several provisions are weak.²⁸⁷ A series of other measures have been taken to combat trafficking, including the Action Plan to Combat Trafficking in Human Beings in Kosova 2005-2007 and the National Strategy and Action Plan against Trafficking in Human Beings 2008-2011, adopted in July 2008. A sign of progress was the transfer of trafficking responsibilities to the Ministry for Internal Affairs. The Deputy Minister of the Interior is now responsible as the National Anti-Trafficking Coordinator for overseeing the implementation of the Action Plan. Women's NGOs said he had made a concerted effort to involve them since he came to this post in July 2008.

Kosovar institutions have established Standard Operating Procedures (SOP) with policies and responsibilities assigned to particular institutions for the care of women and children who have been internally or externally trafficked.²⁸⁸ The Direct Assistance and Support Working Group responsible for assisting and supporting persons who have suffered domestic violence in accordance with the SOP involves the Kosova Police Trafficking in Human Beings Section, the Victim Advocacy and Assistance Division of the Ministry of Justice, two shelters, the Ministry of Labor and Social Welfare, the International Organization for Migration, and OSCE.²⁸⁹

While progress has been made, many problems remain with the current structure. Identification and referral mechanisms continue to be weak; data collection systems are poor; rehabilitation programs are virtually non-existent; and no compensation presently exists for trafficked persons. Access to justice for trafficked persons remains rare, investigations poor, and indictments unusual. Following a monitoring exercise of trafficking

²⁸⁴ European Commission. "Kosovo Progress Report 2008." pg. 62. See also, Amnesty International. "So Does It Mean that We Have the Rights? Protecting the Human Rights of Women and Girls Trafficked for Forced Prostitution in Kosovo," 5 May 2004. <<http://Web.amnesty.org/library/Index/ENGEUR700102004>>, accessed 30 May 2009.

²⁸⁵ European Commission. "Kosovo Progress Report 2008." See also KWN. "Exploratory Research." p. 16.

²⁸⁶ UNMIK Regulation No. 2001/4 of 12 January 2001, On the Prohibition of Trafficking in Persons in Kosovo.

²⁸⁷ European Commission. "Kosovo Progress Report 2008." pg. 62.

²⁸⁸ OSCE, Department of Human Rights, Decentralization and Communities, Anti-Trafficking Unit, "Assessment for Establishing a Referral Mechanism for Victims of Trafficking in Human Beings in Kosovo," October 2007. <http://www.osce.org/documents/mik/2007/10/27677_en.pdf>. The first SOP was established in 2000 between OSCE, the Trafficking and Prostitution Investigation Unit in UNMIK (TPIU), International Organization for Migration (IOM) and an international NGO. OSCE operates in accordance with a decision by the Council of Ministers in Maastricht on combating the trafficking of human beings (2003), which includes actions that OSCE and its member countries should take in regards to investigation, law enforcement, justice, the protection of victims, and prevention of trafficking. (See Decision Nr. 557 of the Permanent Council of OSCE, July 2003 at: http://www.osce.org/documents/pc/2003/07/724_en.pdf and the website of the Secretariat - Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, at: <http://www.osce.org/cthb/13336.html>, accessed 31 May 2009.

²⁸⁹ OSCE, Department of Human Rights, Decentralization and Communities, Anti-Trafficking Unit, "Assessment for Establishing a Referral Mechanism for Victims of Trafficking in Human Beings in Kosovo." p. 14.

cases in the justice system, OSCE concluded that judicial authorities (judges and prosecutors) often fail to understand the criminal act of trafficking, as foreseen by the Article 139 of the Provisional Criminal Code of Kosova.²⁹⁰

Considering the extent of poverty in Kosova and the increase in the trafficking of Kosovar youth, there is a need to educate youth about recruitment methods and trafficking more generally. "I think that majority of Kosova women are not aware of human trafficking and the danger it represents," said Ricard Sondejker, Head of the Anti-trafficking Unit in OSCE. "Therefore we should organize awareness campaigns on this danger."²⁹¹ Indeed there have been a plethora of such campaigns by NGOs and international organizations. However, the effectiveness has not been assessed.

3.6 Sexual Harassment

Little research exists on the extent of sexual harassment in Kosova, though it is known to exist. Sexual harassment has been forbidden by existing legislation,²⁹² but what constitutes "sexual harassment" has yet to be clearly defined. Further, policies and functional mechanisms for reporting sexual harassment have yet to be established. Public awareness about the rights afforded by the law is also lacking. A policy that defines specifically what constitutes sexual harassment is needed. Further, an external agency needs to be established for receiving and investigating complaints. OGG has cooperated with the KGSC in drafting a policy against sexual harassment for the University of Prishtina and with the Ministry of Public Services (MPS) for the Public Administration. For the latter, the policy has yet to be adopted.

3.7 Minority Rights

Human rights include ensuring the rights of all persons and communities in Kosova. On 24 December 2008, the Government approved a Strategy for the Integration of Roma, Ashkali and Egyptians in the Republic of Kosova 2009-2015. In addition to setting forth priorities ensuring the human rights of Roma, Ashkali and Egyptian (RAE) communities, the strategy also identifies entry-points for dialogue with other countries that have RAE communities.²⁹³ The process of drafting the strategy involved a participatory and rights-based approach with governmental representatives, members of the three communities, and civil society representatives. The Strategy addresses the improvement of the situation of RAE communities that live in Kosova, but also provides solutions and recommendations for the reintegration of returnees. The Framework Convention for the Protection of National Minorities is part of the Kosova Constitution and its legislation, and as a consequence, is applicable in Kosova.²⁹⁴ OGG in cooperation with the Ministry of Returns and Communities has also begun efforts to fulfill the recommendations of the Council of Ministers of the Council of Europe and the European Partnership Action Plan.²⁹⁵

²⁹⁰ *Ibid.*

²⁹¹ *Teuta Magazine* interview with Ricard Sondejker, Head of OSCE's Anti-trafficking Unit, December 2008, pg 16.

²⁹² See the Anti-Discrimination Law, Civil Service Law, Penal Code, Law on Gender Equality, and Code of Conduct for Civil Servants.

²⁹³ Government of Kosova, "2008 Annual Work Report of the Government," Prishtina, December 2008.

²⁹⁴ For more information on a rights-based approach, see UN Commission on Human Rights, "Frequent Questions on Human Rights-based Approach to Development Cooperation," New York, Geneva 2006.

²⁹⁵ Government of Kosova, "2008 Annual Work Report of the Government," Prishtina, December 2008. p. 19. For example, OGG in May 2009 published a summary of laws on the rights and interests of minorities as well as a manual on the Anti-Discrimination Law and the Administrative Directive on the implementation of this Law in five languages: Albanian, Serbian, Turkish, Bosnian and Roma.

RAE women still lack knowledge about UNSCR 1325 and relevant laws like the Anti-Discrimination and Gender Equality laws. They lack understanding regarding how these laws should be implemented and what are the implications of such laws for their families and communities. However, some RAE women's NGOs have contributed to the implementation of UNSCR 1325 through their involvement in governmental working groups that OSCE and the Kosovo Foundation for Open Society established to treat issues related to RAE women. Since 2006, some Roma women have monitored the implementation of laws related to women's and particularly minority rights, reporting to the Open Society Institute and the European Parliament.²⁹⁶ RAE women's organizations have established the Network of RAE Women Organizations of Kosova (RROGRAEK), supported by UNIFEM and KGSC. The group has carried out research about issues facing RAE women as well as developed a strategy for their future work.

On 19 March 2009, 15 Serb women's organizations started their own network, the Kosovo Serb Women's Network, within KWN. As mentioned, UNIFEM, KWN, and its member NGOs have also undertaken efforts to support, empower, and involve Serb women in realizing their human rights as per the Resolution. In 2008, UNIFEM carried out a mapping of Serb women's NGOs to inform its future support.²⁹⁷

3.8 Summary

Local activists have played an important role in providing support to politicians, making them more aware of gender equality, and enabling them to advocate more successfully for legislation that supports gender balance as a human right. The Constitution, Law on Gender Equality, Anti-Discrimination Law, Family Law, and various national action plans and strategies are important achievements toward gender equality and support the promotion and protection of human rights in Kosova.

Despite the fact that some mechanisms to achieve gender equality exist at the legislative level, many men and women in Kosova are not aware of their rights and the protection provided by these laws. Thus, comprehensive implementation of international legal principles cannot occur. Inadequate financial commitments, insufficient expertise, and poor coordination evidence a lack of political will while contributing to continued inefficiency in the protection and promotion of human rights.

The numerous domestic violence campaigns, advocacy networks, anti-sexual harassment policy, and research on domestic violence exemplify the potential of civil society to work effectively with state actors in realizing the principles of UNSCR 1325 and women's human rights. Additional efforts in this direction are needed.

²⁹⁶ KWN interview with Shpresa Agushi, Director, RAE Women's Network, 2007.

²⁹⁷ Ivanovic, Biserka for UNIFEM-Kosovo. "Mapping of Kosovo Serbian Women's NGO." September-October 2008.

IV. CONCLUSION

Overall, the monitoring exercise found that governmental institutions, international organizations and civil society in Kosovo have very different levels of support for and promotion of UNSCR 1325. Their levels of engagement with the areas covered by UNSCR 1325 and related human rights treaties also differ. While, in principle, UNMIK attended to the principles of gender inclusiveness in its operations, working partnerships and policies, in practice its performance and influence over disseminating gender mainstreaming as a core element of peace-building in Kosovo has been inconsistent.

Human rights for women are not a novelty in Kosovo and are “doubly” protected by a combination of previous domestic legislation together with the acceptance of the obligations and responsibilities deriving from international conventions such as CEDAW. UNSCR 1325 is effectively a reiteration of human rights principles that are often under assault during times of conflict and post-conflict reconstruction. The special relevance of UNSCR 1325 to Kosovo is as a re-statement of key aspects of standing human rights commitments.

Therefore, it is regretful to see that international administrators rarely talk about UNSCR 1325 and that it is not used adequately by official bodies as an action framework. This has influenced negatively the development Kosovo’s new democratic institutions and set a poor example for the Government of Kosovo. Women thus remain absent from decision-making positions in most governmental institutions. Civil society, on the other hand, has seized the opportunities afforded by UNSCR 1325 to encourage, lobby for, and promote participation of women in all levels of public life in Kosovo and neighboring countries.

The test of Kosovo’s commitment to the legal framework towards implementing UNSCR 1325 in the future will depend on the will of its political institutions to further integrate gender mainstreaming throughout public structures and to forge its own human rights accountability locally, nationally, and internationally.

RECOMMENDATIONS

1. Recommendations for the Government of Kosova:

- Promote and implement UNSCR 1325;
- Draft an action plan for the implementation of UNSCR 1325 and allocate adequate financial resources for its implementation;
- Finalize and approve the Law against Domestic Violence, as well as the Strategy and National Action Plan against Domestic Violence;
- Increase the implementation of existing laws that ensure gender equality;
- Increase the number of women in decision-making positions;
- Implement the Strategy and National Action Plan to Combat Trafficking in Human Beings (2008-2011);
- Integrate a gender perspective in state security structures and increase the participation of women in the security mechanism of the Republic of Kosova;
- Include UNSCR 1325 in the training curricula of the new Kosova Security Force;
- For the Kosova Center for Public Safety, Education, and Development, organize training on gender equality, safety, and women's human rights for all security institutions in Kosova, including KSF; and
- Ensure that police, prosecutors, judges, and social workers undergo a training program on domestic violence, anti-trafficking, identification of trafficking victims and on gender issues more generally.

2. Recommendations for international institutions and organizations in Kosova:

- Promote and implement UNSCR 1325;
- Demonstrate implementation of UNSCR 1325 in all operational procedures and practices, especially EULEX, ICO, KFOR and OSCE;
- Cooperate with and regularly involve women's organizations in Kosova in decision-making; and
- Provide training on gender and UNSCR 1325 to all new staff coming to Kosova.

3. Recommendations for civil society:

- Support and encourage relevant institutions to promote and implement UNSCR 1325;
- Cooperate with relevant institutions, especially police and the judiciary, to prevent violence and protect victims of gender based violence;
- Continue to promote UNSCR 1325 in the locations where they work; and
- For both NGOs and media, increase awareness among the population about violence against women, gender based violence, domestic violence, and trafficking in human beings.

APPENDIX 1. UNITED NATIONS SECURITY COUNCIL RESOLUTION 1244

RESOLUTION 1244 (1999) Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council, Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosova, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosova population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosova,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosova crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosova,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosova crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;
3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosova, and begin and complete verifiable phased withdrawal from Kosova of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosova will be synchronized;
4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosova to perform the functions in accordance with annex 2;
5. Decides on the deployment in Kosova, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;
6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;
7. Authorizes Member States and relevant international organisations to establish the international security presence in Kosova as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;
8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosova, and demands that the parties cooperate fully in their deployment;
9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosova will include:
 - (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosova of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
 - (b) Demilitarizing the Kosova Liberation Army (KLA) and other armed Kosova Albanian groups as required in paragraph 15 below;
 - (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
 - (d) Ensuring public safety and order until the international civil presence can take responsibility for this task;
 - (e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
 - (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organisations;

10. Authorizes the Secretary-General, with the assistance of relevant international organisations, to establish an international civil presence in Kosova in order to provide an interim administration for Kosova under which the people of Kosova can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosova;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosova, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosova's local provisional institutions and other peacebuilding activities;

(e) Facilitating a political process designed to determine Kosova's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosova's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organisations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosova;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosova;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosova by humanitarian aid organisations and to cooperate with such organisations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organisations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosova Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences;

17. Welcomes the work in hand in the European Union and other international organisations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosova crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Center on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosova crisis:

- Immediate and verifiable end of violence and repression in Kosova;
- Withdrawal from Kosova of military, police and paramilitary forces;
- Deployment in Kosova of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosova to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosova;

- The safe and free return of all refugees and displaced persons and unimpeded access to Kosova by humanitarian aid organisations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosova, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosova crisis:

1. An immediate and verifiable end of violence and repression in Kosova.
2. Verifiable withdrawal from Kosova of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosova under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organisation participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosova and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosova as a part of the international civil presence under which the people of Kosova can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosova.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosova by humanitarian aid organisations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosova, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.
9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.
10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are

specified in the footnote below. A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosova:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

APPENDIX 2. UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

*Security Council Resolution 1325 was passed unanimously on 31 October 2000. Resolution (S/RES/1325) is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.*¹

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

¹ Taken from: UNSCR1325: <http://www.peacewomen.org/un/sc/1325.html#Full>.

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
 - (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
 - (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
 - (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;
13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
18. Decides to remain actively seized of the matter."

APPENDIX 3. INITIATIVES TOWARDS IMPLEMENTING UNSCR 1325 IN KOSOVA 2001-2007

1. In 2001, a United Nations Security Council delegation came to Kosova. UNMIK representatives preparing the delegation's schedule said that the delegation did not have time to meet with Kosovar women. Women stated that UNSCR1325 gave them right to meet with the delegation. Ambassador Anwarul K. Chowdhury, who was leading the delegation, agreed to meet with women at 9:30 p.m. after the delegation's other scheduled meetings.¹
2. In December 2002, a second United Nations Security Council delegation visited Kosova. Once again, UNMIK failed to inform or invite local women to meet with the delegation. When Kosova women became aware of the visit they lobbied for a meeting. They scheduled a meeting with the delegation, once again after hours. During the meeting, the UN ambassador interrupted, saying, "Status is an issue for political parties. Let's talk about women's issues. Let's talk about Resolution 1325 for example." Women were insulted and surprised at the Ambassador's obvious lack of knowledge that, in accordance with UNSCR1325 women should be involved in negotiating Kosova's final political status. They asked him, "Don't you think that status is an issue that affects women? This is directly stated in Resolution 1325."²
3. In November 2003 women activists from Kosova, initiated and supported by UNIFEM, joined a regional initiative advocating for the Resolution's implementation.
4. In February 2004, a Regional Working Group was formed consisting of two representatives of each country. As a result, the UNIFEM team (Kosova) initiated advocacy action intended to raise public awareness about UNSCR1325 throughout the region with women's groups from Kosova, Croatia, Bosnia and Herzegovina, Macedonia, Serbia and Montenegro and Albania.
5. In October 2004, a Training Workshop was organized in Sarajevo to increase public awareness and provide information about UNSCR1325 to activists in the region. UNIFEM, Kvinna till Kvinna, and Zene Zenema supported the workshop which was devoted to discussion and analysis of the Resolution by representatives of both women's NGOs and government. The focus included a historical and technical analysis of the Resolution; examples of global initiatives to promote and monitor its implementation; examples of national and regional issues related to the Resolution; and ways in which it might be used to work on these issues. Feminists and activists for women and human rights and peace from Sweden, USA, the Czech Republic, Kosova, Croatia, Serbia and Bosnia and Herzegovina took part in the conference.
6. Subsequent to the workshop in Sarajevo, the NGOs continued to advocate for the implementation of and increase public awareness of UNSCR1325 throughout their networks. It was also decided to run a second Training Workshop.
7. In April 2005, a workshop was held in Macedonia, sponsored by UNIFEM. The workshop aimed to be practical rather than theoretical and to provide the opportunity to apply the Resolution to current policy debates and to the development of preliminary Action Plans for implementation. Participants from Macedonia, who had been active in developing their network since the October 2004 Workshop, were also invited to attend as observers.

¹ *Building Peace Empowering Women: Gender Strategies to make UN Security Council Resolution 1325 work*, Vienna 2006, p. 28.

² *Ibid.*

8. During the first meeting between women and UN Special Envoy, Ambassador Kai Eide in 2005, Kosovar women activists started the meeting by discussing the issue of including women in talks concerning Kosova's final political status. Ambassador Kai Eide replied jokingly: "Do not talk to me like men." Again they were shocked and responded by saying that UNSCR1325 gives them the right to speak about Kosova's final political status.³
9. The Kosova Police Service (KPS), Kosova Protection Corps (KPC), UNIFEM, KFOR, UNMIK police, and Kosova Women's Network (KWN) initiated cooperation towards advancing the implementation of UNSCR1325. More specifically, UNIFEM and KWN supported the newly formed gender units in KPS and KPC through training, information-sharing, and cooperation around activities that address women's role in decision-making, trafficking and domestic violence. Overall, the initiative aimed to increase communication between women and the police and security sectors.
10. The Swedish non-governmental organisation Kvinna till Kvinna (KtK) supported networking and activities of Kosova women's groups to advance implementation of UNSCR1325. KtK also advocated for the inclusion of women in the talks on Kosova's final status by writing two letters to high-level decision-makers. The first, dated 8 July 2005, was addressed to the UN Special Representative to the Secretary General (SRSG) in Kosova Soren Jessen Petersen. The second letter, dated 16 January 2006, was addressed to UN Special Envoy for the future status process for Kosova Martti Ahtisaari, UN Security Council, UN Secretary General Kofi Annan, SRSG Soren Jessen Petersen, and Swedish Foreign Minister Laila Freivalds.
11. In February 2006, after reading about local activists' initiatives towards women's inclusion in final status talks in the KWN quarterly newsletter "Kosovar Women's Voice," Shevolution (U.K.) initiated cooperation with KWN, advocating in the European Parliament for women to be included on the negotiation team for the final status talks concerning the future of Kosova. The Advocacy Project (U.S.) also learned about local initiatives focused on UNSCR1325 implementation through the KWN newsletter; they interviewed KWN representatives and ran a story in their newsletter about Kosovars' efforts to ensure women's inclusion in final status talks.
12. In February, the Council for Defence of Human Rights and Freedom (CHDRF) organized a roundtable on "The role of media and civil society in advancing women's position" in which representatives from the parliament, NGOs, ministries and media participated. In the roundtable the issue of UNSCR1325 and women in decision-making places was also raised. More than ten Kosova media covered the event.
13. On 3 March, Kosova women met with UN Special Envoy for the future status process for Kosova Martti Ahtisaari and highlighted the need to include women in negotiation talks surrounding Kosova's final status. Kosova women advocated for this meeting to take place while meeting with top officials from the Department of Peacekeeping Operations at the United Nations (DPKO) in New York.
14. In March, KWN signed a memorandum of understanding with Women in Black – Belgrade, whereby they began monitoring together the negotiation process regarding Kosova's final status to ensure that women's voices were taken into account during the negotiations. Their joint initiative was publicly announced in Serbian and Kosova media.

³ *Ibid.*

15. In the week leading up to 8 March, representatives of KWN and Kosova Women's Lobby (KWL) appeared in more than fifteen electronic and print media (e.g., televised talk shows, news articles) with Kosova-wide audiences where they increased citizens' awareness about UNSCR1325 and its importance for including more women in decision-making, especially during negotiations concerning Kosova's final political status.
16. On 8 March, KWN and KWL organized a demonstration in front of the national theatre in Prishtina. Famous Kosova singers and actors performed songs and skits written for the occasion, which focused on UNSCR1325 and the importance of involving women in talks concerning Kosova's final status. All three Kosova-wide television stations covered the demonstration during main news that evening. Following the event, participants hung a large banner that read, "Resolution 1325 guarantees us the right to participate in final status talks" outside the parliament building in the center of Prishtina, where it continued to hang for all citizens and politicians to see.
17. On 8 March, RTV 21 aired a ten-minute program during the main news, which documented efforts and demonstrations around the world on March 8 towards women's greater involvement in decision-making. RTV 21 also aired a thirty-minute special program on the KWN and KWL demonstration, highlighting that UNSCR1325 guarantees women the right to participate in final status talks.
18. On 8 March, Kosova women activists wrote to local and international decision-makers demanding women's inclusion in the team negotiating Kosova's final status, as per UNSCR1325. Letters were sent to UN Special Envoy for the future status process for Kosova Martti Ahtisaari, the UN Security Council, SRSG Soren Jessen-Petersen, President Fatmir Sejdiu, Prime Minister Agim Ceku, KFOR commander Giuseppe Valotto, the negotiation team and the contact group of five foreign offices in Kosova. The letter was also read aloud during the aforementioned demonstration.
19. On 10 March, the Advocacy Training and Resource Center (ATRC) cooperated with the Gender Training and Research Center to organize a public discussion during which civil society representatives debated the issue of women's participation in Kosova's final status negotiations.
20. On 22 March, ATRC organized another debate on the topic of challenges and oppositions in status talks. Nearly half of the meeting focused on women's inclusion in status talk because women activists attending the debate continuously raised the issue. In the end, Kosova women activists successfully advocated for the key note speaker – Democratic Party of Kosova (PDK) Chair Hashim Thaci, also a final status negotiation team member, to promise publicly that a woman would be present on the final negotiation team. This was covered by media.
21. In June 2007, the Kosovar Gender Studies Center (KGSC) organized a roundtable where women activists, media, and UN focal points including UNIFEM were invited.
22. In June and July 2007, KWN held meetings with KFOR forces introducing them to UNSCR1325.
23. RTV21 has made a documentary about UNSCR1325 and it has been promoted and displayed in the UN and other important places.
24. RTV21 has started another documentary about UNSCR1325.

APPENDIX 4. UNSCR 1325 RECOMMENDATIONS IMPLEMENTATION WORK PLAN

Kosova Women's Network
February 2008
Prishtina, Kosova

Introduction

This workplan was developed in consultation with gender experts from various sectors in Kosova during three workshops in December 2007 and a follow-up workshop in February 2008. The specific steps identified within the work plan are based on the recommendations made in the first KWN report on the implementation of UNSCR 1325 in Kosova. KWN hopes that institutions and organizations will use the document to guide their future efforts toward implementing UNSCR1325 in Kosova.

Next Steps

The work plan identifies long-term outcomes and outputs that contribute to these outcomes to be achieved in the next three years (2008-2010). Activities that can contribute to the achievement of these outputs have been suggested. The aforementioned team of experts has identified agencies and organizations that should according to their mandate or could according to their experience take the lead to implement each activity. The group has also identified some of the organizations and institutions that could assist with implementation.

**DRAFT Proposed Work Plan
2008-2010**

Outcome I. Implement existing gender equality mechanisms in law and policy at all levels

Output	Activities	Responsible	Assisted by	Start Date	End Date	Resources
1. Implementation of existing gender equality mechanisms increased.	<p>1.1 Professional training for AGE to Screen every decision, policy or act from a gender perspective, as per the legal responsibility of AGE. Indicator: Increased capacity of AGE to screen more decisions, policies, and acts include a gender perspective.</p> <p>1.2 Establish clear operational procedures / responsibilities for AGE and OGG for Human Rights for screening every decision, policy, or act from a gender perspective. Indicator: Clear guidelines governing their cooperation in place.</p> <p>1.3 Advocate for AGE to establish a decision-making group with in AGE to orient the strategies of AGE and identify gaps in the functioning of AGE according to law.</p> <p>1.4 Monitor implementation of existing gender equality mechanisms (women's NGOs)</p>	Agency for Gender Equality (AGE) and PISG	Women's NGOs, experts on gender legislation help evaluate all laws from a gender perspective			
	<p>1.5 Establish database and use for monitoring every decision, policy or act from a gender perspective and recommend actions for implementation Indicator: More decisions, policies, and acts include a gender perspective.</p>					

	<p>1.6 Advocacy oriented research report developed that evaluates and monitors the lack of political will to implement existing human rights and gender quality legislation and policies politically, materially, and socially, concluding with specific recommendations (combine with database – produce report based on database).</p> <p>Indicator: Report exists, increasing understanding of the lack of political will to implement.</p>	<p>NGO ; form ad-hoc group (expert, NGOs to monitor and form recommendations)</p>				<p>UNDP</p>
	<p>1.7 Advocacy campaign to implement Provision of the Kosovo Law on Gender Equality (representation of the underrepresented gender not less than 40%) implemented by all levels of the PISG and regulated by legislation.</p> <p>Indicator: Implementation of the Law on Gender Equality increased.</p>	<p>NGOs, political parties, government institutions, KGSC</p>				
	<p>1.8 Develop and implement new training program that increases awareness and understanding of the provisions within UNSCR 1325 among political and civil administrators, including how they can better implement UNSCR 1325.</p> <p>Indicator: Political and civil administrators more aware of how they can implement UNSCR1325.</p>	<p>AGE, OGG, Women's NGOs, KIPA??</p>				
	<p>1.9 Media campaign to increase awareness and understanding of the provisions within UNSCR 1325 among political and civil administrators and citizens</p> <p>Indicator: Administrators and citizens more aware of the provisions within UNSCR 1325 and how they can further its implementation.</p>	<p>KWN</p>				
	<p>1.10 Create mechanism that ensures regular consultations between international bodies including EU and UN and civil society groups on all matters of mutual concern, as per UNSCR 1325.</p> <p>Indicator: Mechanism created and communication between international bodies including EU and UN and civil society groups on all matters of mutual concern increased.</p>	<p>NGOs, UN, EU</p>	<p>Embassies</p>			

	<p>1.11 Advocacy for Ministries and institutions within their area of responsibility set aside funds from the Kosovo Consolidated Budget for 1) implementing the provisions of UNSCR1325 and related instruments on women’s human rights and 2) activities that raise awareness across sectors about the provisions of UNSCR1325 and related instruments on women’s human rights.</p> <p>Indicator: Ministries and institutions within their area of responsibility increase funding toward implementing 1) one or more provisions of UNSCR1325 and/or women’s human rights, and 2) at least one activity that raises awareness across sectors about the provisions of UNSCR1325 and related instruments on women’s human rights.</p>	AGE in coordination with the government, KWN	Women’s NGOs			
2. Existing gender equality improved to reflect international standards as well as the actual situation in Kosovo.	<p>2.1 Analyze, propose recommendations for, and advocate for changes to existing gender equality legislation so that it further reflects EU, CEDAW and other international human rights standards on gender equality.</p> <p>Indicator: Gender equality legislation further reflects EU, CEDAW and other international human rights standards on gender equality.</p>	AGE leads, Assembly Committee addressing Gender Equality Issues	Legal specialists who are trained on drafting legislation from a gender perspective, women’s NGOs assist with advocacy			

	<p>2.2 Analyse, propose recommendations for, and advocate for changes to existing gender equality legislation so that it further reflects the actual situation in Kosova. Indicator: Legislation on gender equality further adapted to address the actual situation in Kosova.</p>	<p>AGE and Office for Legal Support lead, Assembly Committee addressing Gender Equality Issues, gender focal points in ministries</p>	<p>Legal specialists trained on drafting legislation from a gender perspective and women's NGOs</p>			
<p>3. Capacity of civil society and existing gender mechanisms to monitor the implementation of gender equality mechanisms and laws increased.</p>	<p>3.1 Monitor government, AGE, Kosovar and international institutions' implementation of UNSCR 1325 and produces annual report. Indicator: Annual report on implementation of UNSCR 1325 produced.</p>	<p>KWN, Civil Society, AGE</p>	<p>Women activists, UNIFEM, OSCE, and other local and international organizations</p>			
	<p>3.2 Training for governmental institutions on monitoring implementation of women's human rights and gender equality mechanisms and laws. Indicator: Ability of Prime Minister and Council of Ministers to work towards and monitor the implementation of women's human rights and gender equality mechanisms and laws increased.</p>	<p>Women's NGO, KIPA, AGE</p>	<p>Women activists, UNIFEM, OSCE, and other local and international organizations</p>			

	<p>3.3 Develop and use indicators for civil society to monitor the implementation of UNSCR 1325</p> <p>3.4 Train civil society representatives and MOGEs to monitor UNSCR 1325 implementation at the municipal level</p> <p>3.5 Produce biannual monitoring report on UNSCR 1325 based on findings</p> <p>3.6 Civil society advocacy campaign based on report findings</p> <p>Indicator: Civil society's ability to monitor UNSCR 1325 implementation increased, as shown by monitoring reports.</p>	UNIFEM				UNIFEM
	<p>3.7 Establish group for monitoring and ensuring implementation of CEDAW, the Beijing Platform, MDGs, UNSCR 1325, and the European partnership document within EU.</p> <p>Indicator: All international agencies, including the new EU mission (ESDP) increase implementation by ensuring their activities are inline with and reinforce the implementation of CEDAW, the Beijing Platform, MDGs, UNSCR 1325, and the European partnership document.</p>	Ad- Hoc group	UNIFEM, women's NGOs			UNDP, UNKT, UNFPA,
4. Gender perspective within PISG security reports and reports on human rights increased.	<p>4.1 Coordination meetings between PISG (Security Commission in Parliament, Ministry of Interior, Gender Task Force, AOGG, Office of the Prime Minister of Kosova, Secretariat for Security) and women experts</p> <p>Indicator: PISG reports on security issues include gender perspectives as well as achievements or obstacles in the implementation of women's human rights.</p>	AGE,	Women's organisations, experts, international orgs (UNDP, UNIFEM)			UNIFEM, UNDP, OSCE

Outcome II. Increase the level of women’s public and political engagement.

Output	Activity	Responsible	Assisted by	Start Date	End Date	Resources
1. Monitoring women MPs’ work at municipal and national level and MPs’ engagement with citizens and NGOs increased.	1.1 Produce monitoring report to inform citizens and MPs how MPs have met the needs of citizens and NGOs. Indicator: Greater knowledge exists as to how MPs have met or failed to meet citizens’ priorities.	KWN Working group	KWN member NGOs			British Office, UNDP, UNIFEM ?, NDI
2 Women citizens’ involvement in politics and decision-making increased.	2.1 Regular quarterly meetings between women MPs, Women’s Caucus, and women’s NGOs Indicator: Women MPs use input from meetings with NGOs to draft and improve legislation regarding women’s issues.	Women MPs, Women’s Caucus, KWN	Women’s NGOs			UNIFEM
	2.2 Regular meetings, roundtables, and consultations on issues affecting women between with (Security Commission in Parliament, Ministry of Interior, Gender Task Force, AOGG, Office of the Prime Minister of Kosova, Secretariat for Security) and women’s NGOs involved in peace-building activities Indicator: PISG cooperation with and support of women’s NGOs involved in peace-building activities increased.	(AGE)	Women’s NGOs			UNDP
3 Women politicians’ engagement in politics, political decision-making, and policy drafting increased.	3.1 Advocacy campaign involving women MPs and women’s NGOs / activists for at least one change within political parties on issues of common interest (e.g., transparent candidate selection; equal allocation of resources among candidates; women’s representation in all party structures). Indicator: Successfully advocate for at least one change within political parties on issues of common interest	Women’s caucus and women’s rights organizations	Int’l orgs like UNIFEM, NDI			

	3.2 Advocacy campaign based on annual monitoring report findings (1.1). Indicator: Women MPs successfully “pushed to engage” in at least one issue identified by citizens as a priority.	KWN	KWN members, citizens’ groups			
	3.3 Education seminar for women MPs on pushing for policies/ lobbying inside the government Indicator: MPs skills for lobbying for policies inside the government increased, as shown by effective lobbying for policies.		Expert			

Outcome III. Decrease gender inequalities in rural and minority populations, simultaneously improving their access to basic goods and services and decreasing poverty.

Output	Activity	Responsible	Assisted by	Start Date	End Date	Resources
1. Capacities of municipal and national government to improve services for rural and minority populations, especially women, increased.	1.1 Organizing meetings between MP’s and MOGE officials to ensure that they are functioning in all municipalities in Kosovo, especially where they do not already exist, as per the law. Indicator: MOGEs to exist in all municipalities, and the functioning of MOGEs improved.	AGE., women’s caucus, women deputies, and KWN.	Municipal Gender Officers (MOGEs), women MPs, Municipal Assembly Deputies			
	1.2 Meetings of MPs, MOGEs, and municipal assembly members to women in rural areas, including all minorities, where politicians learn about needs and discuss potential solutions (organized by women’s NGOs) Indicator: Authorities more aware of key needs and solutions to problems women face in rural areas, following visits.	KWN and member NGOs at local level				

	<p>1.3 Meetings with and advocacy campaign targeting national government to advocate for policy changes that affect positively rural and minority populations Indicator: At least one policy changed to benefit rural and/or minority populations.</p>	KWN and Women's NGOs	Int'l agencies pressure in advocacy as applicable (UNICEF, UNIFEM, UNFPA, UNDP, UNHCR)			
	<p>1.4 Ongoing monitoring of drafting of policies with social, economic, and political implications at municipal and national level to ensure that policies consider the particular needs of women in rural and when drafting policies, as well as people with special needs. Indicator: Municipal and national authorities aware of the particular needs of women from rural and minority populations when drafting policies, and policies reflect this.</p>	MOGEs, AGE,				
	<p>1.5 Advocacy meetings with the president of the municipality to educate them about the legal responsibilities of MOGEs. Based on the law Indicator: Capacity of MOGEs increased, as shown by their ability to conduct research.</p> <p>1.6 Research using training skills to study the reason girls drop out of school. Indicator: Report with findings and recommendations exist.</p>	Association of Municipal presidents Ad-Hoc group AGE	Qualified trainer(s) on research methods, sensitive interviewing, survey compilation			
	<p>1.7 Advocacy campaign based on research findings targeting municipal and/or national government to advocate for recommendations to be implemented (e.g., recommend where the 80 new schools should be built). Indicator: At least 2 recommendations from the report implemented.</p>	MOGEs and local NGOs	KWN			

	<p>1.8 Gender awareness training that builds the capacity and mechanisms of the national and municipal government to respond to women's needs, including their need for a secure environment, developed and delivered.</p> <p>Indicator: Capacity of national and municipal government to respond to women's needs, including their need for a secure environment increased.</p>	AGE				UNDP
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Katalogimi në botim – **(CIP)**
Biblioteka Kombëtare dhe Universitare e Kosovës

305-055.2(496.51)(047)

Monitoring Implementation of United Nations
Security Council Resolution 1325 in Kosova /
[Kosova Women's Network]. - Second Edition
. - Prishtina : Kosova Women's Network, 2009.
- 90 f. ; 30 cm.

ISBN 978-9951-8757-6-9



Monitoring Implementation of United Nations Security Council Resolution 1325 in Kosova

Nearly a decade has passed since the United Nations Security Council adopted Resolution (UNSCR) 1325 on Women, Peace and Security. The Resolution stresses the importance of mainstreaming a gender perspective into peace-building and peacekeeping operations. Under UNSCR1325 the United Nations Secretary General is obliged to provide member states with training guidelines and materials on the protection, rights and particular needs of women in peacekeeping and peace-building measures. Further, it must ensure that military and civilian personnel who are to be deployed receive such training, provided by Member States.

Despite the existence of this important Resolution, women around the globe continue to struggle for their right to participate in decision-making during and after conflict as well as during peacemaking processes. Women in Kosova are no exception. While the United Nations Mission in Kosova and peacekeeping forces in Kosova have taken some initial steps to implement the Resolution, this report argues that more often and in

general they have failed to ensure its implementation.

Members of civil society in Kosova, however, have seized the opportunities afforded by UNSCR1325 as an advocacy tool to encourage, lobby and promote the participation of women in all levels of public life. Kosovar women's organisations have thus directly contributed to the implementation of the Resolution.

As part of its efforts to implement UNSCR1325 in Kosova, the Kosova Women's Network with support from UNDEF and UNIFEM produced this monitoring report as an assessment of the implementation of UNSCR1325 in Kosova, with the aim of ensuring successful ongoing advocacy of gender issues at the national level. This report analyses the main findings in sections defined by UNSCR1325 as key areas of obligation: 1) Inclusion of women at all decision-making levels; 2) Gender perspective and training of police and military personnel; 3) Protection and respect of human rights of women and girls; and 4) Inclusion of gender perspective in UN reports.

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