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COMMENTARY

A GENDER READING OF THE EUROPEAN COMMISSION'S KOSOVO 2023 REPORT

INTRODUCTION

Annually, the European Commission (EC) presents its assessment of Kosovo's progress towards joining the European Union (EU) in a report (hereafter, "the Report"). It analyses the political situation in Kosovo, rule of law, human rights, protection of minorities, regional issues, the economic situation, and Kosovo's legislation, policies, and their approximation with the EU Acquis. Each year the **Kosovo Women's Network (KWN)** and **Kosovar Gender Studies Center (KGSC)** produce a Commentary on the extent to which the Report has attended to gender equality-related issues.¹ This Commentary discusses the EC's Kosovo 2023 Report from a gender perspective,² examining attention to women, men, girls, boys, and gender equality; and the extent to which recommendations provided by women's rights civil society organisations (WCSOs) were included.³

OVERVIEW: GENDER MAINSTREAMING IN THE REPORT

Ideally, in accordance with EU commitments, all chapters of the Report should be gender mainstreamed. Compared to previous years, the Kosovo 2023 Report improved the extent to which input provided by WCSOs during consultations was integrated in the Report, gender was mainstreamed in diverse chapters, and in phrasing related to gender equality and women's rights. Overall, the Report addressed approximately 70% of the recommendations put forth by KWN and its members. Four commitments directly address gender equality, included based on input sent by KWN and other WCSOs. Specifically, the 2023 Report emphasises that Kosovo must:

- **On Rule of Law:** "Improve the capacity of judges and prosecutors to handle cases of gender-based violence in accordance with laws, the 2022-2026 strategy against domestic violence and violence against women and the new State Protocol for the treatment of sexual violence cases."
- **On Fundamental Rights:** "Reinforce the protection of women's civil and fundamental rights by adopting the Civil Code, by implementing the Law on prevention and protection from domestic violence, and by strengthening the implementation of the Law on gender equality and the strategy on gender-based violence;"
- **On Social Policy and Employment:** "Adopt the amendments to the Law on Labour to align with recent EU acquis, particularly in relation to non-discrimination in employment and

¹ This Commentary was written by Valmira Rashiti for KWN as part of the EQUAPRO Coalition, co-funded by the EU and Sida.

² European Commission, [Kosovo Report 2023](#).

³ KWN consulted with its diverse member organisations and provided input for this year's Report in March-April 2023. KWN members contributing included: KGSC, EcoKos Women, Committee of Blind Women of Kosova, Organization of Persons with Muscular Dystrophy of Kosovo, Mitrovica Women Association for Human Rights (MWAHR), and Partners Kosova.

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parental leave; Pursue thorough reforms in the area of the social assistance schemes to ensure better targeting and impact, and improve access to social services”

The following remarks in the Report also will support monitoring government progress:

- **Public Administration Reform:** “Kosovo has made limited progress on gender-mainstreaming, as well as on inclusive and evidence-based policy development.”
- **Public Financial Management:** “Budget systems should include objectives towards gender equality and gender-disaggregated data indicators with specific targets.”
- **Judiciary:** “There was limited progress on preventing and combating domestic violence, protecting and reintegrating victims and the rehabilitation of perpetrators. Reporting of domestic violence has increased, although cases are still not handled adequately. The total number of reported cases during the reporting period continued increasing (2 710 in 2022, against 2 456 in 2021).”
- **Fundamental Rights:** “Fundamental rights issues need to feature higher on the political agenda and consequently more human and financial resources should be allocated to relevant institutions.”
- **Intimidation of Journalists:** “More than half of the cases of attacks against journalists targeted women journalists.”
- **Gender Equality:** “In December 2022, the Ministry of Justice adopted the State Protocol for handling cases of gender-based violence, which defines responsibilities for each institution. This should be swiftly implemented. In 2023, the government increased the funds allocated to shelters for victims of domestic violence and trafficking in human beings and delivered the funds on time. Nevertheless, financial support is still inadequate.” Meanwhile, this likely was meant to refer to the [State Protocol on the Treatment of Sexual Violence Cases](#) as a general protocol for gender-based violence does not exist.
- **Statistics:** “Kosovo should: (i) preserve a leading role for the Kosovo Agency of Statistics (KAS); (ii) improve statistical governance and coordination between the main statistical institutions; (iii) and ensure better access to administrative data sources. The KAS should continue to implement Eurostat’s peer-review recommendations, particularly in relation to increasing the Agency’s cost-effectiveness, strengthening quality management, and strengthening relations with data users. The Agency does not systematically compile gender-disaggregated data. Kosovo still does not yet have a Gender Equality Index.”

The main positive developments in this year’s Report include:

- **More chapters are gender mainstreamed:** Generally, the Report mentions women, men, gender equality, and gender more than in prior years, totalling 140 times (125 times in 2022). The Report attends to gender equality issues in different chapters, including: Fundamentals First (Democracy, Parliament, Governance, Public Administration Reform, Public Finance Management, Human Resources) and Rule of Law and Fundamental Rights (Judiciary, Domestic Handling of War Crimes, Prison, Intimidation of Journalists, Internet, Property Rights, Gender Equality, Protection from Discrimination, on the Rights of LGBTIQI+ persons, Persons with Disabilities, Trafficking in Human Beings, Procedural Rights, Fight against Organised Crime, Migration). This was one of the main recommendations WCSOs sent to the EU, especially on attending to gender-based violence in the Rule of Law and Fundamental Rights chapter. This year there were improvements, though some significant issues related to Rule of Law were still reported under gender equality (Fundamental Rights), such as on policing.⁴

⁴ For example, on mechanisms for combating gender-based violence: “A police directorate for the prevention and investigation of domestic violence was established. Implementation remains insufficient despite institutional efforts, and despite the legal and institutional framework in this area being largely in line with European and international

- **A more thorough intersectional approach** involves reporting on challenges faced by diverse women and men, persons with disabilities, LGBTQI+ persons, rural inhabitants, Roma, Ashkali, Egyptians, and girls. Attention towards boys, remains minimal.
- **Improved inclusion of gender-disaggregated data** in diverse chapters, such as in reporting on the composition of the judiciary, unemployment among women and men, property ownership, and migration.
- **Introduced new significant topics**: This year's report showed significant improvement in including input from WCSOs related to topics that were not part of previous reporting, such as: gender mainstreaming, online threats towards women and girls, gender stereotyping and insensitive gender language in the parliament, and safeguarding prisoners' rights, especially women, girls, and non-majority groups.

SHORTCOMINGS IN ENSURING A GENDER PERSPECTIVE

While the 2023 Report shows improvements in gender mainstreaming compared to prior years, the following issues remained unaddressed, including related to the structure of the Report and insufficient inclusion of attention to gender equality and women's rights issues:

Report Summary and Good Neighbourly Relations

- Regarding "security", the Report lacks gender analysis. It does not include challenges faced by women as a result of the increased violence and political tensions, especially in northern Kosovo. The Report notes that "578 Kosovo Serb officers from the north of Kosovo resigned from the Kosovo Police following the decision of Kosovo Serb political representatives to abandon Kosovo institutions in four northern municipalities. This created a security vacuum and conditions favourable for organised crime in the north". The report could have emphasised the implications for Serb women and girls who had no mechanisms for reporting gender-based violence.
- Peace and security have different meanings for diverse women and men, based on their experiences.⁵ Women who experienced war tend to define peace as the absence of war, while younger women born after the war tend to define peace more broadly, in line with feminist authors' definitions of peace and security. While some citizens feel secure in Kosovo, others do not, given poor quality education, the economy, gender-based violence, weak institutional response to it, and poor infrastructure. These may have worsened given ongoing tensions and interethnic confrontations among Kosovo Serbs and Albanians in northern Kosovo. Towards peace and security, women have mentioned as one of their priorities their engagement in politics and the Kosovo-Serbia Dialogue, better education, employment opportunities, more women in the security sector, and safe streets, particularly without threat of sexual harassment. To ensure better gender mainstreaming of the security section of the Report in the future, these diverse security concerns should be considered.
- The Report notes that "Due to the lack of decisive steps to de-escalate, and in line with the 3 June statement, the EU is implementing a number of measures vis-à-vis Kosovo, which also impact financial support. These measures are temporary and fully reversible, depending on the steps taken to de-escalate the tensions in the north of Kosovo. Kosovo has taken steps in the right direction, but more remains to be done." The Report does not reflect on the risks that may emerge because of these measures, including in deepening gender inequalities, or any measures being taken to mitigate such risks.
- Despite ongoing conflict in Kosovo, the only remark on women, peace, and security relates to the Forum organised by the President of Kosovo. Although positive, this is only reported under the gender equality section. The Forum did not seem to contribute to any changes to

standards. Kosovo needs to prioritise implementing the Law on prevention and protection from domestic violence, violence against women and gender-based violence, including by adopting the relevant bylaws" (p. 37).

⁵ Kosovo Women's Network, [A seat at the table: Women's contributions to and expectations from peace building processes in Kosovo](#), 2020, p. 5

the political dialogue between Kosovo and Serbia, which continues to exclude women. The women, peace, and security agenda related to political dialogue and security is otherwise ignored in the Report.

Elections

- The Report does not explicitly require institutions to harmonise the Law on General Elections and the Law on Local Elections with the Law on Gender Equality (LGE) requirements for equal representation (50%), despite the Report's request for the government to strengthen implementation of the LGE. Further, the Report praises the new Law on General Elections, noting that "it provides an adequate basis for the conduct of democratic elections, in line with international and regional standards" and that it "introduces important improvements in several parts of the process, including in relation to suffrage right, campaign regulations, polling and counting, electoral dispute resolution system and provides additional budget for political parties that exceed the 30% of women quota".⁶ Besides failing to align with the LGE, this misrepresents the quota as only for women when in fact it is for two genders towards equality.

Governance and Public Administration Reform

- The Report mentions that the government should implement affirmative measures to ensure equal representation of women and men in the local executive. Under fundamental rights, it states the need to strengthen implementation of the LGE. On Public Administration, it also notes that "Women remain under-represented at senior level positions in the civil [administration]. Measures need to be adopted to increase the number of women in senior positions in line with the" LGE.⁷ However, the EU continues to underline the principle of merit-based recruitment without emphasising the accompanying need to implement LGE-encouraged affirmative measures in hiring.⁸ Practice has shown that officials use "merit-based" recruitment as a reason to avoid implementing the LGE even though the LGE allows for affirmative measures to enhance gender equality and calls for 50% representation of women and men in public life.

Domestic Handling of War Crime Cases

- The Report ignores the essential, proven role of WCSOs in contributing to peace; it does not emphasise the urgent need for their involvement in peace-making and reconciliation processes, as per the UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, despite EU commitments to this. The Report fails to address how women's needs and priorities have been excluded from the Dialogue between Kosovo and Serbia; nor does it state that insufficient government consultations have been organised with diverse women and men, despite substantial evidence of this.⁹
- On victims of sexual violence, the Report states that "As of February 2023, the Commission could not accept new applications due to the deadline set by the law. Although the government approved the request to extend the deadline and the respective draft, as of March 2023 this is still pending approval by the Assembly. The draft law approved by the Kosovo government makes provision for extending the Commission's mandate by another 3 years despite appeals by civil society calling for an indefinite mandate. The law's timeframe still excludes those who suffered conflict-related sexual violence after 20 June 1999." While very important, the Report does not use strong language encouraging the government to extend this timeframe.

⁶ Ibid. p. 7

⁷ Ibid. p. 13

⁸ "Compliance of appointments and dismissals of civil servants with the formal procedures laid down in the LPO still needs to be improved and a consistent rule-based system of selection and merit-based recruitment must be ensured in practice", On Public Administration Reform, p. 15.

⁹ KWN, [A Seat at the Table: Women's contributions to and expectations from peacebuilding processes in Kosovo](#), 2021.

Fundamental Rights

- Despite significant improvements in addressing gender-based violence under the Rule of Law chapter, especially under Judiciary, upcoming reports need to report on gender-based violence, as a criminal offence, more specifically under Rule of Law.

Statistics

- Despite improvements in providing gender-disaggregated data, the Report still did not contain sufficient data on the diverse needs and consequences faced by women and men, girls, and boys in all sections (e.g., in reference to business owners, farmers, public officials).
- The Report did not emphasise the need for all institutions to provide gender-disaggregated data to KAS in a timely manner, as per the LGE, and for such gender-disaggregated data to be published in a timely manner. Importantly, it did note that social protection and labour market statistics are only partially produced.
- The report notes that the population census has been delayed and that it is planned to take place between 1 November and 31 December. However, the census has been further postponed to 2024. It remains crucial for having up-to-date data to inform policymaking. This relates to the Gender Equality Index, which, as noted, Kosovo does not yet have due to continued delays in collecting key data for the Index.

Social Policy and Employment

- The EC Report requires that the government adopt the new Law on Labour in line with relevant EU acquis, particularly in relation to non-discrimination in employment and parental leave. During consultations, WCSOs shared that the new draft Law on Labour has not been made public for consultations. Recent discussions with officials suggest that some may still resist ensuring that the Law is aligned with the Work-Life Balance Directive. Further, the Law may not be proceeded to the parliament for approval this year, leading to continued discrimination against women in labour.
- Further, the Report did not emphasise the need for stricter deadlines for adopting other key laws that have remained pending for several years now, such as the draft Law on Family and Social Services, the draft Law on Social Housing, and the draft Law on Reproductive Health. All of these could contribute significantly to improving the lives of diverse women and girls. Related, inadequate government consultations with WCSOs related to these laws, as well as the (newly adopted) law on gender-based violence was not criticised.
- In this chapter, although one recommendation is to “improve access to social services, in particular for children”,¹⁰ challenges faced by social workers and by victims who receive services from social workers are unaddressed. More concrete actions need to be phrased for the government to prioritise the quality of social services, especially for victims of gender-based violence. The EU needs to encourage municipalities to allocate more resources for more social workers as per the Protocol on sexual violence, better infrastructure, and capacity development of social workers towards a more gender-responsive, victim-centred approach.

PROPOSED ACTIONS AND RECOMMENDATIONS TO THE EU

- *Continue* mainstreaming gender in all relevant chapters.
- *Ensure* that all progress reported on gender equality is evidence-based, verified, and well-justified by the government.
- *Treat* gender-based violence as a Rule of Law issue with concrete, stronger recommendations for institutions responsible for the implementation of the new Law on gender-based violence, the Rule of Law Strategy, and National Strategy for Protection against Domestic Violence and Violence against Women 2022-2026. *Strongly encourage* the government to implement the Law, to assign adequate resources for its implementation, to finalise relevant secondary

¹⁰ Kosovo Report 2023, p. 100.

legislation, and, as part of secondary legislation, to address concerns put forth by KWN regarding the Law's insufficient alignment with the Istanbul Convention.

- *Ensure* that officials consider the LGE and its foreseen affirmative measures during recruitment at all levels and sectors via EU support for public administration reforms and merit-based hiring. *Rephrase* Report recommendations in future reports when requiring public institutions to recruit individuals using merit-based principles, including reference to affirmative measures in the LGE.
- *Pressure* the government to ensure all institutions submit data to KAS in a timely manner and that KAS publishes this and other gender-disaggregated statistical data regularly, towards facilitating gender analysis.
- *Encourage* the government to ensure a gender-responsive approach to the digital transition, as well as to address gender-based cyberviolence, based on WCSOs' recommendations.
- *Continue* to encourage the government to institutionalise gender-responsive budgeting as part of ongoing public administration and public finance reforms, including by reflecting government responsibilities for gender-responsive budgeting at all levels clearly within forthcoming amendments to the law on public finance, law on public procurement, and law on local government finance. Encourage the government to make publicly available in a timely manner information pertaining to gender-responsive budgeting in line with Sustainable Development Goal 5, indicator 5.c.1. and PEFA Gender Framework commitments.
- *Ensure* that sections reporting on security, such as the overall Report Summary and Good Neighbourly Relations, report on security threats experienced at the local level, by WCSOs, and by diverse women and men in Kosovo and Serbia. Consult and draw from the expertise of grassroots and other WCSOs that can provide relevant input.