

**Gender Analysis of the National Program for the
Implementation of the Stabilization and Association Agreement
2017-2021 and 2018-2022**

Gender Analysis of the National Program for the Implementation of the Stabilization and Association Agreement 2017-2021 and 2018-2022

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Acronyms

EIGE	European Institute for Gender Equality
ERA	European Reform Agenda
GRB	Gender Responsive Budgeting
KAS	Kosovo Agency for Statistics
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
KPGE	Kosovo Program for Gender Equality
KWN	Kosovo Women's Network
MLSW	Ministry of Labour and Social Welfare
NPISAA	National Programme for the Implementation of the SAA
SAA	Stabilization and Association Agreement
MESP	Ministry of Environment and Spatial Planning

Executive Summary

The Kosovo Law on Gender Equality No. 05/L-020, requires that all laws, policies, strategies and programs in Kosovo have a gender perspective mainstreamed throughout. Among many others strategic documents in Kosovo, this also includes the National Program for the Implementation of the Stabilization and Association Agreement (NPISAA). In light of this requirement, the report conducts a gender analysis of NPISAA 2017-2021 and NPISAA 2018-2022. The results of the analysis have shown that the first NPISAA covering the period from 2017-2021 was gender aware in its content and provided for specific gender-related indicators. The following NPISAA covering the period 2018-2022, shows different worrisome tendencies, remaining more gender blind in its content, illustrating that once again gender equality requirements by Kosovo decision-makers continue to be neglected. The report also finds that this neglect has persisted despite the requirements of the Kosovo Law on Gender Equality requiring and making it mandatory for policies and strategies to mainstream gender equality principles.

The analysis also notes the many differences in between NPISAA 2017-2021 and NPISAA 2018-2022 content wise. While NPISAA 2017 has a gender perspective mainstreamed throughout its narrative section as well as its Logical Framework, NPISAA 2018-2022 largely lacks this perspective. The analysis in this report shows that this comes as a result of external expertise having been consulted in 2017 and failure to utilize this expertise during the 2018 drafting process of NPISAA 2018-2022. Nevertheless, the results of the analysis also show that while a gender perspective was included in NPISAA 2017-2021, it did not automatically translate into being implemented. In fact, none of the legislative acts related to gender equality that were foreseen to be implemented in 2017 have been implemented. This includes the Kosovo Program on Gender Equality, the Kosovo Index for Gender Equality, as well as a by-law governing Gender Responsive Budgeting. In fact, these requirements were moved to 2018 and failed to be implemented again pending implementation in 2019. The report also analyses other gender sensitive indicators enlisted under NPISAA for years 2017 and 2018.

Overall, the report shows that equal gender representation required both by NPISAA action plans but also through the Law on Gender Equality were frequently ignored by many relevant institutions. The research further shows persisting problems in capacities and basic knowledge regarding gender

equality across institutions. The identified lack of capacities includes lack of knowledge on the requirements of the Law on Gender Equality and NPISAA requirements pertaining to gender mainstreaming and gender equality, but also very low knowledge of gender equality issues within their sectors of work.

I. Introduction

Kosovo remains committed towards integration in the European Union. By signing the Stabilization and Association Agreement (SAA) in 2015, Kosovo entered into the first contractual relation with the EU.¹ The SAA entered into force in 2016. It aims, among others, to support the strengthening of democracy and rule of law in Kosovo; to ensure political, institutional and economic stability; to support political dialogue; to support the alignment of Kosovo legislation with EU acquis and support the market economy, etc.² In addition, the EU Office in Kosovo drafted as a process of high dialogue with Kosovo, known as the “European Reform Agenda (ERA)” to speed up the implementation of priorities of the SAA in 2016.³ The ERA sets short-term priorities in areas of education, employment, competitiveness, rule of law and good governance.⁴ Further, in order to ensure the implementation of the SAA and hold institutions accountable, the Ministry of European Integration (MEI) drafted the first Kosovo National Program for Implementation of the Stabilization and Association Agreement (NPISAA) in 2016.

Further, gender equality is considered amongst core values of the European Union.⁵ Through the “Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020” known as the EU Gender Action Plan - GAP II, the EU has made gender equality part of all its EU integration policies, including neighborhood and enlargement. The EU has made gender equality related requirements as one of the corner stones of

¹Council of Europe, Stabilisation and Association agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, 2015, at: data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf

²Ibid. Article 1

³See Introduction Section of the Ministry of European Integration Report “Final Report on Implementation of the European Reform Agenda 2016-2018,” December 2018. Available at http://mei-ks.net/repository/docs/raporti_mbi_zbatimin_e_era_1_11_2016-30_11_2018_final_eng.PDF

⁴Ibid.

⁵European Commission, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations, 2016-2020, 2015, at: https://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf

the SAA. Concretely, in the “Social Cooperation” section the SAA requires that Kosovo shall support equal opportunities for men and women.⁶ It further requires aligning labor laws regarding to women’s conditions.⁷ Moreover, the ERA requires that its entire implementation should be in line with the Kosovo Law on Gender Equality.⁸

In line with SAA and ERA requirements, the NPISAA 2017-2021 has a distinct gender perspective included within its scope. Among others, it has included a gender perspective in its narrative section, as well as in the logical framework. While the Ministry of European Integration has consulted with Civil Society Organizations and gender experts during the drafting of NPISAA 2017-2021, no follow-up monitoring of the implementation of its gender related activities and indicators has been conducted so far. A total of 20 gender related measures are foreseen in the 2017-2021 NPISAA, including three national acts to be aligned with the EU *Acquis* and **15** implementation Measures/Actions. While NPISAA 2018-2022 lacks a distinctive gender perspective similar to previous NPISAA, it nevertheless has **three** national acts to be aligned with EU *acquis* as well as three Implementation Measures/Actions defined.

The report acknowledges the distinct importance of gender sensitive indicators and plans as well as the need to monitor the implementation of all gender-related actions and indicators within the NPISAA. In accordance with the SAA, NPISAA itself and ERA, the analysis below underlines the main findings related to the monitoring of the implementation of the gender-related requirements of the NPISAA 2017-2021 as well as NPISAA 2018-2022.

II. Monitoring Methodology

Several methodological approaches have been used in researching and drafting this policy brief. An initial analysis of the gender-related requirements under NPISAA 2017-2021 was done in order to identify and draft a data base of monitoring with all relevant data compiled that have included the relevant identified gender indicators. In addition, the monitoring action plan also included the analysis of NPISAA 2018-2022 and updating the existing gender-related requirements. The analysis

⁶Council of the European Union, Stabilisation and Association Agreement Between the European Union and the European Atomic Energy Community and Kosovo, Article 106, at: data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf

⁷SAA, Article 106

⁸Government of the Republic of Kosovo, European Reform Agenda, 2016, at: mei-ks.net/repository/docs/20170929090420_erafinalsq.pdf

looked at both NPISAA for the period covered 2017-2021 and 2018-2022, as during the analysis it has been observed that few of the gender-related requirements for the first NPISAA 2017-2021 remained not fulfilled by the institutions. In addition, when the second NPISAA covering the period 2018-2022 was drafted, some of these requirements were left aside. Accordingly, the approach of the research team was to pay close attention to requirements not fulfilled in both of the action plans and provide for concrete recommendations to stakeholders on how to enhance the implementation of gender-related requirements foreseen by Kosovo laws within the existing policies. In particular, the research starts from the baseline requirements Kosovo's legislation related to gender equality i.e. the Kosovo Law on Gender Equality (2015) and its related requirements on gender equality, gender mainstreaming and gender equal participation defined and directly reflected in the first NPISAA 2017-2021.

The analysis identified main gender-related requirements and accordingly drafted a monitoring data base by enlisting the key institutions responsible for implementation, supporting institutions, timelines for delivery and assessment of needs of capacities. Both NPISAA 2017 and 2018 were monitored in order to establish an assessment and identify the level of implementation of the existing requirements and observe if these indicators are being implemented. The report does not look at NPISAA 2019-2023 as it is still being implemented and will be monitored for implementation beginning of 2020. During the second cycle of analysis of NPISAA gender related requirements for 2019-2023, KIPRED will also analyze the level of implementation of these requirements at the municipal level for few pre-selected municipalities and observe the role of the line ministries in implementing these requirements including coordination.

The monitoring database with gender-related requirements was used as the core analysis tool for the research and drafting process. In addition, a desk research and legal analysis of existing documents were conducted, by identifying relevant gender related requirements and analyzing which of the requirements have been fulfilled. Afterwards, KIPRED realized a number of semi-structured interviews with the officials of the Ministry of European Integration and other relevant responsible institutions involved in the implementation of gender related requirements. This was done in order to also verify existing information, seek for new information related to implementation as well as identify challenges in implementation. A set of interviews were conducted with all relevant institutions, with the full list of interviewed institutions available in Annex 1 of this policy brief.

Interviews aimed to assess in depth the level of knowledge of gender-related requirements, level of knowledge of relevant Kosovo laws addressing gender equality as well as measure both implementation rates and identify challenges encountered during implementation.

During the interviews best practices and challenges were identified and accordingly a set of recommendations were drafted and are provided for key policy makers and stakeholders responsible to implement NPISAA gender-related requirements. In addition, KIPRED also prepared easy usable fact-sheets related to main findings and recommendations of the report, frequently asked questions, common challenges that will be distributed to relevant officials in the Ministry for European Integration and other responsible institutions. All recommendations will be delivered in discussion based input working groups organized by KIPRED with relevant officials. Joint recommendations therefore will be drafted in line with the responsible institutional needs.

III. NPISAA 2017-2021: Overview of the Gender Perspective

The NPISAA 2017-2021 had gender requirements mainstreamed throughout its narrative section. Indeed, the document itself highlights that gender mainstreaming of the program was one of the core parts of the revision of the program itself.⁹ The revision was conducted through a working group with representatives from civil society, including the Kosovo Women's Network, the Kosovo Centre for Gender Studies, and UN Women, as well as representatives from the Ministry of European Integration and the Agency for Gender Equality (AGE). This professional revision is evident throughout the document. Among others, NPISAA 2017-2021 requires gender mainstreaming and alignment with Law 05/L-020 on Gender Equality with all laws mentioned within its body. It further requires the gender disaggregation of all statistical data mentioned in the document itself, as well as the implementation of Gender Responsive Budgeting (GRB) in all fiscal processes and expenditures, including capital expenditures. Some of the laws enlisted under NPISAA 2017-2020 highlight key documents that should include a

The NPISAA 2017-2021 uses the phrase "as per demands of civil society organizations dealing with gender equality" 41 times. In all cases, this phrase was used when referring to specific requirements deriving from the Law 05/L-020 on Gender Equality.

⁹Government of the Republic of Kosovo, National Programme for Implementation of the Stabilisation and Association Agreement (NPISAA), 2017-2021, page 9, at: <http://mei-ks.net/repository/docs/pkzmsa20172021ang.pdf>

gender perspective including for example the Kosovo Assembly Strategic Plan 2015-2020, the Government of Kosovo (GoK) E-Governance Strategy 2016-2020, mainstreaming a gender perspective in the existing school curricula's, the training strategy of public procurement (2014-2018), the National Public Procurement Strategy (2016-2020), etc. Nevertheless, the NPISAA 2017-2021 uses the phrase “as per demands of civil society organizations” before each gender-related requirement. In fact, the phrase was used **41** times throughout the document. It should be highlighted that mainstreaming a gender perspective in all governmental policies, documents, and legislation is a specific requirement of Law 05/L-020 on Gender Equality.¹⁰ Stating this as only a demand from civil society organizations working on gender equality does not acknowledge the fact that gender mainstreaming is of obligatory and legal responsibility by GoK to be reflected in all policies in line with the requirements of the Law on Gender Equality as stated.

Nevertheless, other than this omission the narrative section of the NPISAA 2017-2021 is very well drafted, notably because of heavy involvement from external civil society gender experts.

A gender perspective has also been mainstreamed within the Logical Framework of NPISAA 2017-2021, and it includes a total of three acts related to gender equality to be aligned with the EU *Acquis*, as well as requires 15 implementation measures that include gender related indicators.

IV. NPISAA 2018-2022: Overview of the Gender Perspective

The NPISAA 2018-2022 has to some extent integrated the gender perspective throughout its narrative section, albeit weaker than the year prior. In fact, it seems that many of the gendered aspects of NPISAA 2017-2021 were just copied into the new draft. One of the key missing aspects includes the lack of a working group responsible for the mainstreaming of a gender perspective throughout the document, as it was done for the previous NPISAA. Unfortunately, the existing Logical Framework of NPISAA 2018-2022 almost completely lacks a gender perspective. As none of the three acts to be aligned with EU legislation were implemented during 2017, all three were merely moved in NPISAA 2018-2022. However, NPISAA 2018-2022 has no gendered indicators requiring the equal participation in various sectors. That said, while NPISAA 2017-2021 requires an

¹⁰Assembly of the Republic of Kosovo, Law 05/L-020 on Gender Equality, Article 5.1.3. 2015, at: <http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf>

equal participation of men and women in all indicators where it was applicable as per the requirements of Article 6.8 of the Kosovo Law on Gender Equality, the recent NPISAA 2018-2022 completely disregards such requirements.¹¹ Ultimately, NPISAA 2018-2022 enlists only **three** national acts to be aligned with EU acquis as well as three Implementation Measures/Actions, providing for much weaker gender requirements compared to NPISAA 2017-2021 and the LGE requirements for equal representation. LGE requirements on equal gender representation and gender mainstreaming are very straightforward and very strict. Moreover, these requirements apply directly to every version of NPISAA. Concretely, LGE defines unequal representation as participation or representation of one gender in under 50% at any level of decision-making body in political or public life.¹² Furthermore, it states that equal gender representation is achieved when a minimum representation of 50% for each gender is ensured in all institutions, including judiciary, legislative and executive bodies.¹³ Gender mainstreaming, on the other hand, is defined as the inclusion of a gender perspective into all phases of the planning, execution, and monitoring of all legislation, including policies, programs and budgets.¹⁴ This definition directly includes all strategic documents including various updated versions of the NPISAA. Furthermore, through Article 5 of the LGE, gender mainstreaming is foreseen as a general measure to prevent gender discrimination and becomes a legal obligation for all institutions of the Republic of Kosovo.¹⁵

V. NPISAA 2017-2021 and 2018-2022: Aligning National Acts with EU legislation

Both NPISAA covering the period 2017-2021 and NPISAA covering the period of 2018-2022 have several requirements and gendered indicators within the document, including the implementation of three national acts to be aligned with EU legislation. Due to a failure of implementing the acts in 2017, they were moved to 2018, hence, the analysis below focuses on the same indicators included in the 2018 action plan requirements.

¹¹Article 6.8 of the Kosovo Law on Gender Equality States that "Equal gender representation in all legislative, executive and judiciary bodies and other public institutions is achieved when ensured a minimum representation of fifty percent (50%) for each gender, including their governing and decision-making bodies."

¹² Assembly of the Republic of Kosovo, Law on Gender Equality, 3.1.15, 2015, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923>

¹³ Ibid. Article 6.8

¹⁴ Ibid. Article 3.1.16

¹⁵ Ibid. Article 5

V. a) Gender Responsive Budgeting

The first act highlighted to be drafted and implemented includes a by-law governing the implementation of Gender Responsive Budgeting in Kosovo Institutions.¹⁶ Gender Responsive Budgeting is the mainstreaming of a gender perspective throughout the budget cycle, including during the planning, drafting, implementation and evaluation of different budget lines.¹⁷ As of 2015, GRB has become a legal obligation for all public institutions of Kosovo according to the requirements of the Law No.05/L-020 on Gender Equality.¹⁸ Specifically, the law defines GRB as the “implementation of gender mainstreaming in the budgetary process. This means the valorization of budgets from the viewpoints of gender, in which case the gender perspective is taken into account at all levels of the budgetary process, as well as restructuring incomes and expenditures with the aim of promoting the equality of men and women.”¹⁹ Moreover, the Law on Gender Equality directly obliges all institutions of the Republic of Kosovo to implement GRB.²⁰ For 2017, the main implementing institution enlisted under NPISAA 2017-2021 was the Agency for Gender Equality and the Ministry of Finance (MoF) that was considered a supporting institution to implement this specific requirement. The by-law was supposed to be finalized by the fourth Quarter of 2017. After not having been implemented in 2017, it was re-included in NPISAA 2018-2022 with a deadline set in the fourth quarter of 2018. Again, this requirement was not implemented during 2018.

¹⁶PKZMSA, . Implement Article 3 and 4 of SAA, 3.24, Fundamental Rights

¹⁷ Assembly of the Republic of Kosovo, Law No.05/L-020 on Gender Equality, 2015, at: www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf

¹⁸Ibid.

¹⁹Ibid, Article 1.17

²⁰Ibid. Article 5.1.5

Monitoring data base on NPISAA 2017-2021 requirements related to GRB					
Chapter	Requirement	Implementing Institution	Supporting Institution	Deadline according to NPISAA 2017-2021	Status
Fundamental Rights	A by-law governing the implementation of Gender Responsive Budgeting in Kosovo Institutions	AGE	MoF	4 th Quarter of 2017	Not implemented in 2017
Monitoring data base on NPISAA 2018-2022 requirements on GRB					
Fundamental Rights	A by-law governing the implementation of Gender Responsive Budgeting in Kosovo Institutions	AGE	MoF	4 th Quarter of 2018	Not implemented in 2018

As stated the requirement was not implemented during 2017 or during 2018. In fact, no concrete steps towards its finalization have taken place. This is simultaneously a failure to implement a key gender-indicator of the NPISAA 2017 and 2018, but also not fulfill the legal obligations required by the Law on Gender Equality. KIPRED has found that the Ministry of Finance was not aware of their responsibility towards implementing GRB under NPISAA 2017 and 2018.²¹ The interview with AGE provided for a wider span of information. It has been observed that no concrete steps towards the implementation of this indicator have been undertaken however few of the challenges and needs were identified. During the interview AGE representative stated that GRB “...*Is a new concept and we are only analyzing how deep that can be. It’s not as simple as only presenting gender disaggregated data and pointing out inequalities. It’s a much deeper concept than we initially imagined.*”²² The Agency further added that they are currently using trainings and gender impact analysis in order to obtain more information on what the by-law it self should entail. AGE believes that the by-law will end up requiring changes within the financial management system itself, for which there is not much political will currently.²³ That said, the requirement on GRB is continuing to be transferred from year to year with no concrete steps undertaken towards its implementation.

²¹KIPRED Interview with Ministry of Finance, August 2019

²²KIPRED Interview with Agency for Gender Equality, July 2019

²³Ibid.

b) The Gender Index

The EU Gender Equality Index is an analysis tool of gender gaps between women and men throughout the European Union. The Index is based on a vision of a gender equal European Union, where social welfare, growth, and development is equal for both men and women.²⁴ The third and most updated edition was published by the European Institute for Gender Equality (EIGE) in 2017. The Index is a composite indicator that concretely measures the complex the concept of gender equality and it moreover assists in monitoring gender equality progress throughout the EU as well as across time.²⁵

The Index is composed of six main domains, as well as two “satellite”/cross-cutting domains. The six main domains include money, work, time, knowledge, health, and power. The two cross-cutting domains include violence and intersecting inequalities.²⁶ Each domain is composed of several indicators, amounting to a total of 31 indicators used to measure in/equality across these domains.



Through NPISAA 2017-2021 Kosovo committed towards drafting the Gender Index for Kosovo. Even though Kosovo is not an EU country yet, establishing the Gender Index during EU accession processes can have several benefits.²⁷ Having the gender index available at this point will help us in identifying areas pertaining to gender equality where we are concretely facing challenges in implementation, provide for factual based policy interventions as well as enable us to better track progress over time, identify achievements and identify areas where more interventions are needed to

²⁴European Institute for Gender Equality, Gender Equality Index 2017: Measuring gender equality in the European Union 2005-2017

²⁵Ibid.

²⁶Ibid

²⁷Serbia, even though not an EU member state, became the first non-EU member state to establish the Gender Index in 2016. For more see: <https://eige.europa.eu/news/serbia-first-eu-candidate-country-produce-gender-equality-index?lang=en>

enhance gender equality in Kosovo.²⁸ In addition, the collection of gender-disaggregated data is also an obligation set out within the Law on Gender Equality.²⁹ However, even though Kosovo committed towards drafting the Gender Index in 2017, that deadline was missed with no concrete actions towards its implementation. The second deadline was set for the third quarter of 2018, and was also missed without any concrete actions by responsible institutions. The leading institution for drafting the Gender Index is the Kosovo Agency for Gender Equality, supported by the Kosovo Agency of Statistics (KAS).

Monitoring data base on NPISAA 2017-2021 requirements on Gender Index					
Chapter	Requirement	Implementing Institution	Supporting Institution	Deadline according to NPISAA 2017-2021	Status
Fundamental Rights	Gender Index for Kosovo, Drafted	AGE	KAS	4 th Quarter of 2017	Not implemented in 2017
Monitoring data base on NPISAA 2017-2022 requirements on Gender Index					
Fundamental Rights	Gender Index for Kosovo, Drafted	AGE	KAS	3 rd Quarter of 2018	Not implemented in 2018

The Agency for Gender Equality has stated that the process for creating the index is complicated and it is an inter-agency requirement. AGE largely depends on the Kosovo Agency for Statistics in order to collect the necessary data for finalizing the Index. According to AGE it is a process that is going very slowly, and they first need to collect some of the basic data to analyze at least some of the domains required by the index. Current information shows that several meetings between AGE and KAS have been taking place during the past year. In fact, the last meeting occurred on the 5th of August 2019.³⁰

²⁸Banjska and Farnsworth, Establishing the Gender Equality Index in Kosovo: Discussion Paper, 2017, at: <https://womensnetwork.org/wp-content/uploads/2018/10/20170131101550373.pdf>

²⁹ Law on Gender Equality, Article 5.1.8

³⁰ Website of the Agency for Gender Equality, Accessed on 4th of October 2019, at: <https://abgj.rks-gov.net/>

Nevertheless, other than frequent meetings and basic data collection, the finalizing of the Gender Equality Index has been missed within the deadlines enlisted within NPISAA 2017-2021 and NPISAA 20180-2022.

c) Kosovo Program for Gender Equality

The Kosovo Program for Gender Equality is a policy documents to be drafted and adopted by the Government of Kosovo that includes various pillars of intervention to achieve gender equality in Kosovo foreseen also in the Kosovo Law on Gender Equality. The first Program adopted covered the period from 2008 and ended in 2013, and no new program has been drafted since. According to the Kosovo Law on Gender Equality, the Agency for Gender Equality is responsible for coordinating and preparing the Kosovo Program on Gender Equality, monitor its implementation and annually report to the Government on its implementation.³¹ As can be seen below, the Government of Kosovo committed towards finalizing the Kosovo Program for Gender Equality in the fourth Quarter of 2017. After having missed this deadline, it was pushed for the fourth quarter of 2018. The Program was also not finalized in 2018. In fact, the Kosovo EU Country Report in 2019 has highlighted the fact that the Kosovo Program for Gender Equality has not been adopted yet.³²

A draft of the Program has been finalized and put out for public discussion in the second quarter of 2019, and AGE hopes that it will be finalized and adopted by the end of 2019. Fact remains that the Kosovo Program for Gender Equality remains an unimplemented activity for the last three years as noted in the EU Progress Report for Kosovo 2019.

³¹Assembly of the Republic of Kosovo, Law 05/L-020 on Gender Equality, Article 11, 2015, at: <http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf>

³²European Commission, Communication, 2019 Communication on EU enlargement Policy, page 28, 2019, at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

Monitoring data base on NPISAA 2017-2021 requirements on Kosovo Program on Gender Equality					
Chapter	Requirement	Implementing Institution	Supporting Institution	Deadline according to NPISAA 2017-2021	Status
Fundamental Rights	Kosovo Program on Gender Equality 2017-2021, adopted	AGE	Line Ministries and Municipalities	4 th Quarter of 2017	Not implemented in 2017
Monitoring data base on NPISAA 2017-2022 requirements on Kosovo Program for Gender Equality					
Fundamental Rights	Kosovo Program on Gender Equality 2017-2021, adopted	AGE	MAPL	4th Quarter of 2018	Not implemented in 2018

VI. NPISAA 2017-2022 and 2018-2022: Implementation Measures

a) Gender-related requirements for the Ministry of Labour and Social Welfare

According to NPISAA 2017-2021 and NPISAA 2018-2022 the Ministry of Labour and Social Welfare (MLSW) had one gender-related implementation measure foreseen to be implemented during 2017 and one gender related requirement in 2018. The Requirement under the Chapter on “Social Policy and Employment” for 2017, required MLSW that 5000 jobseekers are trained and involved in programs and projects, while respecting the gender quota. Further, under the Kosovo Law on Gender Equality under Article 3.1.15 defines unequal representation as “when the participation or representation of one gender is less than fifty percent (50%) at any level of decision-making body in political and public life.”³³ According to this article, as well as the fact that its requirements were transferred to

³³Assembly of the Republic of Kosovo, Law No.05/L-020, Article 3.5.15, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923>

the NPISAA 2017-2021 during the review by CSO's and the international community, an equal representation of men and women is obligatory.

Monitoring data base on NPISAA 2017-2021 requirements on Kosovo Program on Gender Equality					
Chapter	Requirement	Implementing Institution	Supporting Institution	Deadline according to NPISAA 2017-2021	Status
Social Policy and Employment	5000 jobseekers trained and involved in programmes and projects, respecting the gender quota	MLSW		Q4 2017	Not implemented
Monitoring data base on NPISAA 2018-2022 requirements on Kosovo Program on Gender Equality					
Fundamental Rights	Creation of a sustainable financial system for the recognition and verification of the status of persons raped during the liberation war of Kosovo	MLSW	OPM	Q4 2018	Successfully Implemented

This measure foreseen for the Ministry of Labour and Social welfare means that at least 50% of all persons trained and involved in programs and projects had to be women during the period of January-December 2017. Data obtained by MLSW shows that a total of 5962 persons were trained during the period of January-December 2017. Out of this total, 2047 (34.3%) were women. Data further shows that 2827 persons were ensured employment through active labour market measures during this period, 1004 (35.5%) of whom were women. The data illustrates that while there were successful measures to include women in trainings, programs, and projects on active labour market measures, MLSW still failed to include an equal participation of both women and men in line also with the requirements of Article of Kosovo Law on Gender Equality and as per NPISAA 2017-2021 requirements. The Furthermore, the requirements of the Law on Gender Equality for equal

representation should be a continuous requirement in all SAA related measures foreseen under NPISAA and should have not been omitted from the current NPISAA 2018-2022 requirements. Any future amendments of the current version of NPISAA, should have the requirements of the LGE in mind related to equal representation when being redrafted. It should be noted that the report on the implementation of the NPISAA 2017-2021 does not list this requirement as a requirement that failed implementation, implying that it has been successfully implemented.³⁴ Also the recent NPISAA 2018-2022 omitted the requirements for equal representation of the LGE.

Furthermore, the MLSW had a different gender-related requirement, under the chapter on “Fundamental Rights”, namely the requirement for MLSW to be the leading institution in creating sustainable financial means and system in recognizing and verifying the status of persons raped during the Kosovo war of 1998-1999 according to the law. This requirement has been successfully implemented with no major setbacks or difficulties during the process. Initially, in 2016 the MLSW had already started the drafting of the GoK Regulation 22/2015 on defining the procedures for recognition and verification of the status of sexual violence victims during the Kosovo war was drafted and approved.³⁵ The Commission for Verification was formed and began its work in 2017.³⁶ By 2018, according also to the requirement within NPISAA 2018-2022, a total of 909 applications were received, 491 of which were approved, 173 applications were refused with other applications pending approval.³⁷ The current status of implementation shows that the MLSW had created sustainable financial means and system in recognizing and verifying the status of persons raped during the Kosovo war of 1998-1999 according to the law and legal regulation of the Ministry. This requirement has been met.

³⁴ Ministry of European Integration, Implementation Report for NPISAA 2017-2021, Page 28, at: Report on the implemen<https://mei-ks.net/repository/docs/shqip2017.pdf>

³⁵ The Government of the Republic of Kosovo, Regulation No.22/2015 on Defining the Procedures for Recognition and Verification of the Status of Sexual Violence Victims during the Kosovo Liberation War, 2016, at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15049>

³⁶ Koha Ditore, "After three years of Waiting, Commission for Verifying Victims of Rape is Formed", 2017, Article Accessed on October 4th, 2019, at: <https://www.koha.net/arberi/3815/pas-tre-vjet-pritjeje-formohet-komisioni-per-verifikimin-e-viktimave-seksuale/>

³⁷ Information received through the Secretariat of the Commission for the Recognition and Verification of the Status of Sexual Violence Victims during the Kosovo Liberation War

b) Gender-related requirements for the Kosovo Prosecutorial Council

Kosovo prosecutorial services had several requirements under the NPISAA 2017-2021, all related to the recruitment of new prosecutors, administrative staff and recruitment of interns. As illustrated in the data below, the KPC did not always adhere to NPISAA gender-related requirements, but in few cases also surpassed them. For instance, according to NPISAA 2017-2021, a total of 18 new prosecutors were supposed to be decreed during 2018, with an equal representation of men and women. Data submitted by the Kosovo State Prosecution shows that 13 prosecutors were decreed according to the Brussels Agreement, four of which were men (30.7 %) and nine women (69.2 %). According to NPISAA 2017-2021, a total of six new prosecutors at the Special Prosecutors Office in Kosovo should have been appointed. During this time, only five were appointed, two of which were women (40 %) and three men (60 %).³⁸

According to NPISAA 2017-2021, a total of three prosecutors were supposed to be accepted in the unit for anti-corruption and economic crimes. The Kosovo State prosecution lacks data on exactly how many prosecutors were accepted during 2017, only shows that throughout 2017 there were 10 prosecutors working within this unit. Out of those 10, seven prosecutors are men (70 %) and three are women (30 %).³⁹

Under another requirement covered under NPISAA, there were nine communication officials foreseen to be employed within the Kosovo state prosecution in 2017, by taking into account equal gender representation of the Law on Gender Equality. Data obtained by the Kosovo State Prosecution shows that none of the communication officials were employed by the prosecutorial services during this period.

Another requirement that 50 new interns should have started working at the Kosovo Prosecution during 2017. According to data obtained, a total of 147 interns began internships at the Kosovo Prosecution in 2017, 80 of whom were women (54.42 %) and 67 of whom were men (45.57 %). This specific measure was surpassed by Kosovo prosecutorial services.

³⁸Data obtained by the Kosovo Academy of Justice

³⁹Data obtained by the Kosovo Academy of Justice

Lastly, NPISAA 2017-2021 required that a total of five officials- were admitted to the secretariat of the KPC throughout 2017. In reality, four officials were employed, out of which there were three women (75 %) and one man (25 %) employed.

Even though equal representation may seem surpassed in some of the requirements according to the Kosovo Law on Gender Equality and NPISAA 2017-2021 by the prosecutorial services and there were occasionally more women engaged as in the case of the interns, nevertheless this could be seen as a good practice, to overcome and increase the number of women in a services whereas women are less represented than men. As noted by the EU Progress Report for Kosovo, the prosecutorial and courts system in Kosovo continues to have more men than women with Kosovo lagging behind with countries in region and also with EU states when it comes to equal gender representation of women and men within the courts system specifically. The EU has noted that in beginning of 2019 there are in total 431 judges out of which 140 women (32.48 %) and 291 men (67.51 % men). Within the prosecutorial services there are 191 prosecutors out of which 77 women (40.31 %) and 114 men (59.68 % men). This shows the overall tendency that within the prosecutorial and court services, women remain less represented than man and have still not achieved the equal representation of 50% as required by NPISAA and the Law on Gender Equality. Accordingly, the EU Progress Report for Kosovo, noted that Kosovo continues to have a low percentage of female judges and prosecutors in comparison to most other European countries.⁴⁰

Worryingly, the recent NPISAA 2018-2022 has no gender-related requirements even though new recruitments of prosecutors and capacity building of new prosecutors appointed will continue in the years foreseen for implementation of the new NPISAA.

b) Gender-related requirements for the Kosovo Academy of Justice

The judicial institutions, most notably the Academy of Justice in cooperation with the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC), had several gendered indicators to fulfil in line with the requirements of NPISAA 2017-2021. In all below indicators, the KPC and KJC were only supporting institutions, while the main implementing institution has been the Academy of Justice. These requirements were related to provision of trainings for Kosovo

⁴⁰Page 17, of the EU Progress Reports for Kosovo, 2019. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

prosecutorial and judicial services by respecting the legal requirements of gender equal participation in both trainings and capacity building initiatives.

One of the requirements was to continue institutional reforms and build institutional capacities in the field of asylum for the purpose of implementing the provisions of SAA and approximated legislation. For this topic, a total of seven judges from the administrative department were supposed to be trained, by respecting the gender quota. Data submitted to KIPRED by the Academy of Justice shows that one training on this topic was held in 2017, with 17 participants. Unfortunately, the gender quota was not respected as 13 participants were men (76.47 %) and four were women (23.52 %).

For the same requirement, 10 judges and five prosecutors were supposed to be trained from the department for serious crimes and general department of courts and prosecution offices, as well as 25 prosecutors and 61 newly appointed judges, trained respecting the gender quota. Data submitted shows that a total of 25 training activities on this topic were held in 2017, with a total of 385 participants (174 judges, 104 prosecutors and 106 others). While the overall participation rate surpassed NPISAA requirements, it did not pass the gender-related requirements with 241 of all participants having been men (62.60 %) and 144 women (37.40 %).

Moreover, under the same requirement, the Academy of Justice was supposed to train 30 judges and 20 prosecutors by respecting the gender quota, with participants coming from the department of serious crimes of courts and prosecution offices. A total of eight training activities/workshops were held on this topic, with a total of 90 participants, 38 of whom were judges, 27 prosecutors and 25 other staff including professional associates. Again, while the overall number of professionals trained surpassed NPISAA 2017 requirements, they did not successfully implement gender requirements, as only 32 of all participants were women (35.55 %) as compared to 58 of which were men (64.45 %).

Under the requirement “Intensifying international Legal Cooperation”, the Academy of Justice was required to train 10 judges and eight prosecutors during 2017, ensuring an equal number of men and women trained. No trainings were held by the Academy of Justice on this topic during 2017 and the activity was moved to be implemented during 2018.

Worth noting is that the recent NPISAA 2018-2022 does not provide for any gender related requirements for the Kosovo Academy of Justice training activities even though their mandate for training of judges and prosecutors will continue in the years to come.⁴¹ This again shows the lack of gender mainstreaming and the lack of reviewing the recent NPISAA 2018-2022 from a gender perspective that is not in line with the Kosovo Law on Gender Equality and the EU Gender Action Plan II in particular.⁴²

d) Gender-related requirements of the Ministry of Environment and Spatial Planning

While having had no gender related requirements in NPISAA 2017-2021, the Ministry of Environment and Spatial Planning (MESP) had to regularly collect and maintain “the number of properties registered under Administrative Instruction Nr.03/2016 on affirmative measures on registering property in the name of both spouses.”⁴³ This requirement derived initially from Administrative Instruction No. 08/2018 on special measures for the registration of joint immovable property on behalf of both spouses.⁴⁴ The goal of this administrative instruction, which was also transposed into NPISAA 2018, is to increase the number of women registered as joint owners of immovable properties and was adopted under the lead of Agency for Gender Equality by the GoK as an affirmative measure in order to accelerate the rate of gender equality pertaining to property ownership in Kosovo which is mainly male dominated. The data submitted to KIPRED by MESP showed that the number of citizens registering property according to this Administrative Instruction has been steadily growing since it went into effect in 2016. For instance, while 768 properties were registered in 2016, this number increased to 1181 in 2017 and there were 1650 cases registered in 2018.

⁴¹It is important to mention that the Academy of Justice nevertheless continued to work towards ensuring the equal representation of both men and women judges and prosecutors in their capacity building efforts.

⁴² It should be added that the new NPISAA 2019-2023 which is at this moment outside of the scope of this analysis, does not involve any gender related requirements for the academy either

⁴³Government of the Republic of Kosovo, National Program on the Implementation of the Stabilization Association Agreement 2018-2022, Chapter on Fundamental Rights, Indicator 3.24.81, at: mei-ks.net/repository/docs/20180731115427_1_pkzmsa_2018-2022_final_miratuvar_nga_kuvendi.pdf

⁴⁴ Government of the Republic of Kosovo, Administrative Instruction No. 03/2-16 on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses, 2016, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=17698>

e) Gender-related requirements of the Ministry of Local Government Administration

Based on the Chapter on “Fundamental Rights” the Ministry of Local Government Administration (MLGA) had one gender-sensitive indicator to implement during the year 2018. This included the upkeep of annual statistics on the registration of joint immovable property on behalf of both spouses. As can be noticed, this is the same requirement as the one mentioned above as a responsibility of MESP. Having the same indicator repeating twice for two institutions is rather redundant, indicating that there must have been a lack of coordination during the drafting of NPISAA sections by different ministries. Nevertheless, it should be noted that MLGA did not provide this data after being repeatedly asked by KIPRED, nor did they include it in their annual report. Nevertheless, MLGA has taken several actions in compliance with the Law on Gender Equality. While women remain underrepresented in leadership positions across municipalities in Kosovo, MLGA pressure is leading to an improved situation. The proportion of director positions held by women in different municipalities increased from 11% to 19% in the last couple of years.⁴⁵ Six out of 38 municipalities have not adhered to equal representation requirements foreseen by the Law on Gender Equality regarding remunerated positions of municipal assembly committees. MLGA has referred these six municipalities for legal action to the Ministry of Justice.⁴⁶

f) Other findings: The Institutional Capacities in implementing gender-related requirements

One of the key objectives in monitoring the gender-related requirements by GoK in implementing the SAA and accordingly its policies defined within the NPISAA action plans, has also been to analyze the capacities of officials and institutions interviewed. Semi-structured interviews of responsible officials from several institutions responsible for implementing gender-related NPISAA requirements showed that institutional capacities remain a widespread problem. In fact, lack of

⁴⁵ European Commission, Kosovo* 2019 Report, 2019, at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

⁴⁶ Ibid.

understanding of gender mainstreaming and the importance of gender related requirements of the 2015 Kosovo Law on Gender Equality, required under the European integration processes within NPISAA, seems to be one of the main reasons as to why many aspects are partially or not fully implemented.

None of the interviewed officials had had any past training on how to recognize and identify relevant gender mainstreaming indicators of the narrative situation analysis parts detailed under the NPISAA action plans and also enlisted as particular activities in the logical framework of the action plans. In fact, several interviewed officials mentioned that none of their colleagues had also in the past undertaken relevant trainings related to gender equality, gender participation and gender mainstreaming as foreseen under the obligations set out by the Law on Gender Equality.⁴⁷ The lack of understating concepts related to gender mainstreaming, GRB and other gender equality requirements were noticeable throughout the interviews.

Several of the interviewed officials were not aware of existing gender inequalities across their sector of work. This directly inhibits their capacity to draft gender sensitive activities and indicators, concretely targeting the needs of men and women in their sector of work. For instance, one official interviewed from MLSW, stated that “It’s difficult to answer if there’s gender equality in our institution. I don’t think there’s gender inequality per se where we work. But it’s very difficult to answer this question.” Moreover, gender equality or the lack thereof was frequently misunderstood as equal representation within the institution only. Frequently, officials tended to provide numbers of men and women staff when asked whether they were aware of challenges related to gender inequalities generally or within their relevant sectors of work.

Common terms like gender analysis, gender-sensitive indicators, and gender mainstreaming were not familiar terms to institutions interviewed and were not able to offer appropriate descriptions in line with the requirements of the LGE. Most notably, persons responsible for implementing Gender Responsive Budgeting within the Ministry of Finance itself, were not aware what the term actually entailed, misunderstanding it as additional budget for the Agency for Gender Equality.⁴⁸

⁴⁷KIPRED Interviews with MESP, MAPL, and MoF

⁴⁸ KIPRED Interview with MoF

g) Conclusion and Recommendations

This report has highlighted several problems regarding gender mainstreaming, equal representation, and gender sensitive indicators throughout the monitored GoK action plans to implement the SAA agreement known as NPISAA 2017-2021 and 2018-2021. NPISAA 2017-2021 had consulted gender expertise prior to finalizing, and hence it contains a gender perspective throughout its narrative section as well as the logical framework. On the other hand, NPISAA 2018-2022 almost completely lacks this perspective due to lack of consulting and coordinating the input with civil society, international organizations and gender experts. Moreover, many of the indicators that were required under NPISAA 2017-2021 were not implemented and were only moved for implementation in the recent NPISAA 2018-2022. The indicators related to national acts to be aligned with EU legislation have missed both initial deadlines, including the first in 2017 and the second in 2018. This includes the Kosovo Program on Gender Equality, the Kosovo Index for Gender Equality, as well as a by-law governing Gender Responsive Budgeting. In fact, these requirements were moved to 2018, and failed to be implemented once more during 2018 and are pending implementation during 2019. Further, the report shows that equal gender representation required both by the NPISAA but also through the Law on Gender Equality were frequently ignored by many relevant institutions, particularly when focusing on new personnel recruitment. The research further shows persisting problems in capacities and basic knowledge regarding gender equality across institutions. These lack of capacities include lack of knowledge on LGE and NPISAA requirements pertaining to gender mainstreaming and gender equality, but also very low knowledge in gender related requirements and gender equality issues within their sectors of work. Overall, the research has shown that gender equality, gender mainstreaming and equal representation principles are consistently being neglected throughout the process of reviewing and updating the new SAA and the adoption of the new NPISAA action plans. Relevant institutions need to take quick action to improve this process, as the Government of Kosovo will risk completely the opportunity to fill our gender related requirements as also required by the EU Gender Action Plan II and other related documents, during its EU integration processes.

Recommendations:

For the Government of the Republic of Kosovo:

- Exert pressure through seeking regular reports and coordinate appropriately with line ministries on implementing gender-related requirements of the NPISAA.
- Generate an improved monitoring system and develop a questionnaire in assessing the level of implementation of gender-related NPISAA requirements.
- Ensure that all line ministries and other responsible institutions are aware that gender mainstreaming in the NPISAA is not only a requirement of CSO's, but an obligatory requirement under existing legislation in Kosovo.
- Ensure a better system of coordination between line ministries, and other institutions when drafting future versions of the NPISAA.
- Hold line ministries and other relevant institutions accountable on the implementation/failure to implement gender related NPISAA requirements.

For the Ministry of European Integration

- Enhance coordination between line ministries and other responsible institutions when drafting gender-related requirements of the NPISAA.
- Provide basic training for European Integration Officials on gender equality, gender analysis, gender mainstreaming.
- Provide capacity building for European Integration Officers on drafting, implementing, and monitoring gender sensitive objectives, activities and indicators.
- Ensure that external gender experts, including women's CSO's are consulted during the drafting of the NPISAA as it was done for the NPISAA 2017-2021. This has been a proven best practice for improving gender sensitivity within the program.

For the Agency for Gender Equality:

- While the next NPISAA is being drafted, ensure that the planning of by-laws and other legal measures within it are realistic and provide sufficient time to be planned, drafted, consulted upon and finalized.

- Devise a concrete plan for drafting and finalizing the by-law on Gender Responsive Budgeting. Meet regularly with officials from the Ministry of Finance that remain unaware of their responsibilities stemming from NPISAA 2017-2021 and 2018-2022 on GRB.
- Ensure that concrete measures towards finalizing the Gender Equality Index are taken. If collecting all data for the index is challenging, collect some data to finalize certain indicators.
- Seek external support in enhancing the capacities of the Kosovo Agency for Statistics for the purposes of finalizing the Gender Equality Index.

For the European Union

- Play an active role in exerting pressure towards the implementation of SAA gender-related requirements reflected in NPISAA.
- Exert pressure on Kosovo institutions towards consulting gender experts and women's CSO's when drafting NPISAA and monitoring NPISAA implementation.
- As per requirements for the EU according to the EU Gender Action Plan II, carefully monitor whether a gender perspective has been mainstreamed throughout NPISAA drafts, including in the narrative section as well as the Logical Framework.
- Ensure that EU GAP II objectives and indicators have been included in the NPISAA, under relevant chapters.

Assembly committee for European integration⁴⁹

- Regularly acknowledge the importance of gender related NPISAA requirements and their implementation.
- Regularly inquire about the status of gender equality/gender related requirements within the NPISAA
- Hold line ministries and other relevant institutions accountable on the implementation/failure to implement gender related NPISAA requirements.

⁴⁹ Kosovo has just come out of Parliamentary Elections on 6th of October 2019. Following the voting of the new Assembly Members, and its MP's voting in, Commissions will also be set up. KIPRED intends to share its recommendations with the respective Commission addressing issues related to European Integration.

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Koha Ditore, "After three years of Waiting, Commission for Verifying Victims of Rape is Formed", 2017, Article Accessed on October 4th, 2019, at: <https://www.koha.net/arberi/3815/pas-tre-vjet-pritjeje-formohet-komisioni-per-verifikimin-e-viktimave-seksuale/>

Serbia, even though not an EU member state, became the first non-EU member state to establish the Gender Index in 2016. For more see: <https://eige.europa.eu/news/serbia-first-eu-candidate-country-produce-gender-equality-index?lang=en>

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VIII. Annex

Persons and Institutions Interviewed			
Name	Surname	Position	Institution
Edi	Gusia	Head of Office, Agency for Gender Equality	Agency for Gender Equality
Hanumshahe	Latifi	Department for European Integration and Policy Coordination	Minister of Education, Science and Technology
Rexhep	Vasolli	Department for European Integration and Policy Coordination	Ministry of Finance
Lulzim	Karaxha	Department for European Integration and Policy Coordination	Ministry of Labour and Social Welfare
Hazbije	Krasniqi	Department for European Integration and Policy Coordination	Ministry of Environment and Spatial Planning
Shkëlqim	Jakupi	Department for European Integration and Policy Coordination	Ministry of Local Government Administration
Reyes	Charle-Cuellar	Gender Advisor	European Union Office Kosovo
Luljeta	Hetemi	Acting Director	Academy of Justice
Astrit	Hoti	Head of Legal Department	Kosovo Judicial Council

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